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(See p. 99)

THE STATE CAPITOL AT LANSING.

MICHIGAN

STATE AND LOCAL GOVERNMENT

BY

W. J. McKONE

Superintendent of Schools, Albion, Michigan

LANSING, MICHIGAN

THE HAMMOND PUBLISHING COMPANY, LIMITED

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PREFACE.

A new book on the government of Michigan is added to the comparatively long list already in use not with the idea of making startling innovations in method or matter but rather to offer the latest information and to make a more complete treatment than has usually been accorded to the subject especially in local affairs. This is in response to a demand of the author's own work in teaching for a number of years and also to that of many other teachers met in associations and institutes who did not find original sources of information available or when found, not always readily interpreted. No attempt has been made to present theories of citizenship or government both of which have been so admirably done by many others, but on the contrary to show clearly how all the functions of the state and its divisions are administered.

Method.—It is a matter for discussion whether to begin with the large or small areas but the order of the text is believed to be practically better even though some should not agree in theory. There is no reason particularly why the order of chapters should not be varied and it would probably be well under some circumstances to do so.

Material.—It is presumed that much material will be collected and utilized. Suggestions are given throughout the book but these are neither inclusive nor exclusive and any book, report, document, blank or item that will add interest or profit should be secured. The cost will be slight but some little persistence and zeal will need to be shown. Officials and citizens generally will be pleased to give such information as they may have. Women teachers should espe-

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cially heed these suggestions as they cannot have the practical experience that men have in affairs of government. Classify, arrange, and preserve the material secured from time to time to use in successive classes. Keep your collection fresh by securing the latest reports and other matter.

Request.—Every precaution has been taken to prevent mis-statement of facts and to exclude unessential matter. However, it is presumed that when submitted to schoolroom use and critical examination, many errors will be noted. The author and publishers will be grateful to learn of these from any source that the text may be corrected in subsequent editions.

Acknowledgment.—The author desires to make grateful acknowledgment to a very long list of friends including teachers and other citizens, officials, city, township, county and state for assistance in securing information, for suggestions and for reading the manuscript and proof.

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CHAPTER I.

SCHOOL DISTRICT.

Organization.—A school district is a municipal corporation, authorized by law and unlimited in extent. Districts are organized and numbered and boundary lines are regulated and altered as conditions may require by the township board of school inspectors. When convenient or necessary a district may be formed of portions of two or more adjoining townships, the inspectors of each township concerned participating in the organization. Such a district is known as a fractional district. Fractional districts are numbered and administered in the township in which the school house is situated.

Meetings.—The annual meeting of the school district is usually held the first Monday of September, but the district may vote in any annual meeting or special meeting called for that purpose, to hold the annual meeting the second Monday in July. A return to the September date may be made in the same manner. The school year in either case commences on the first Monday of September. Special meetings may be called by the district board and must be called upon the written request of not less than five legal voters of the district. Only such business may be transacted at the special meeting as is mentioned in the notice of such meeting. Notices of either regular or special meetings shall specify the day, hour and place of meeting, at least six days before the meeting. At least three notices shall be posted in the most public places including one on the outer door of the school house.

Qualified Voters.—There are two classes of electors. Persons may vote upon all questions who have property assessed for school taxes and are citizens twenty-one years of age and who have resided in the district three months next preceding the meeting. The parents or legal guardians of any children included in the school census of the district who are citizens twenty-one years of age and have resided in the district three months may vote on all questions which do not directly involve the raising of money by tax.

Work of Annual Meeting.—The qualified voters have power to elect the district officers; to designate, lease or purchase sites; to rent, purchase or build school houses and vote tax for same; to impose a tax for repairs, the purchase of necessary appendages and school apparatus, transportation of pupils, to determine the length of time the school shall be maintained during the ensuing year, which shall not be less than five months in any district.

District Board and Officers.—The district board consists of three officers, moderator, director, and treasurer, elected by ballot one each year for a term of three years. Any person qualified to vote upon all questions at the annual meeting is eligible to office. The board shall carry out the instructions of the annual meeting and shall further have power to borrow money, hire teachers, keep buildings in repair, specify text-books to be used and studies to be pursued, purchase books for indigent children, establish rules for the government and management of the school and suspend or expel disorderly pupils.

(a) Moderator.—It is the duty of this officer to preside at all meetings of the district and the board, to countersign orders drawn by the director upon the assessor and warrants upon the township treasurer.

(b) Director.—It is the duty of this officer to act as clerk of the district and the board, and keep a record of proceed-

ings, to give notice of annual and special meetings, to draw all orders and warrants, to provide the necessary appendages for the school house and keep all records, books, and papers belonging to the district or board. He is the executive officer of the board.

(c) Treasurer.—It is the duty of this officer to receive all moneys belonging to the district, paying out the same upon properly drawn orders and keeping record of all money received and disbursed. He is obliged to give a bond with two sureties in double the amount of money estimated to come into his hands.

Graded Districts.—Any school district containing more than one hundred children of school age may, by a two-thirds vote of the qualified voters, organize as a graded district. The school board consists of five trustees elected for three years each. Said board each year organizes by electing from their own number a president, secretary and treasurer, which officers correspond to moderator, director and treasurer of a primary school district.

Township Districts.—Upon petition of a majority of all the voters of a township filed with the township clerk at least fifteen days before July first, the township board shall call a special meeting for the second Monday of July, when the whole township shall be organized into one school district. The officers and their terms are the same as those in the graded district.

School Census.—It is the duty of the director or some person appointed by the school board to take a census of the school district during the fifteen days previous to the first Monday of September. The school age is from five to twenty. The census is taken in every district in the state on the same dates. The returns are made by the enumerator through the chairman of the board of school inspectors and the school commissioner to the superintendent of public

instruction. The distribution of the primary school money is based upon this census.

Suggestions and Material.

Draw a map of the township by districts. The supervisor and the county school commissioner may be consulted.

Attend an annual school meeting. Many, especially young ladies, have never attended such a meeting. Observe carefully and take notes. Things not understood will be gladly explained by a school officer or other person upon inquiry.

If you are a stranger in the district become familiar with its boundary, extent, the general facts of its organization and history.

Secure one of the posted notices after the school meeting. Have a copy of Hammond's School Law of Michigan for reference.

Questions on the Text.

What is a school district?

How are school districts organized?

What is a fractional district?

When is the annual school meeting held?

When does the school year begin?

How are special meetings called?

What about notices of school meetings?

Who may vote at school meetings?

What business is transacted at the annual meeting?

How many and what officers compose the school board?

What are the duties of the moderator, director, treasurer?

What is a graded district, and how does it differ from a primary district?

What is a township district and how is it organized?

When is the school census taken? Who takes it?

Who is included in the school census?

What is the purpose of taking the school census?

Home Study Questions.

What is the number of your district?

How many districts in your township? County? How many are fractional?

What is a corporation?

Is a school district a body corporate?

What powers belong to the district as a corporation?

Can a person have his property detached from one district and attached to another?

Can the same be done without the owner's consent?

When does your district hold its annual meeting?

Do women vote in your district? Hold office?

Have they generally availed themselves of this privilege?

What is the rule as to business transacted at a "special" meeting?

What is the penalty for disturbing a school meeting?

What is the limit of tax for purchasing or building school houses?

What are the legal "necessary appendages?"

What are the seven circumstances under which a district office shall become vacant?

How are vacancies filled?

Do school officers receive any compensation?

Do sectarian schools share in the money received for school taxes?

What is a "school month?"

When is a teacher legally qualified?

Can public meetings be held in the school building?

What study is especially required to be taught?

Who may attend a district school?

Who are non-resident pupils?

What is the school census of your district? The county? The state?

What compensation is given for taking the census?

How does the school enrollment compare with the census?

Is the school census increasing or decreasing? If there has been any marked change how can it be accounted for?

CHAPTER II.

TOWNSHIP.

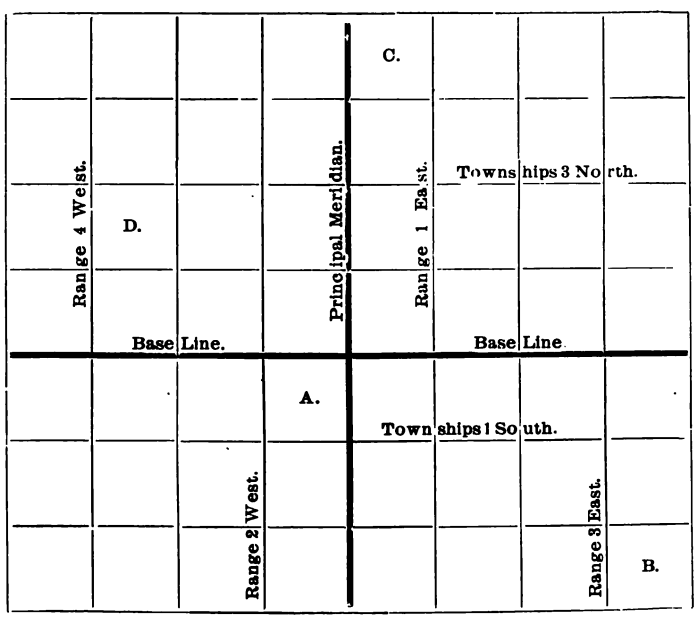
The Congressional Township[1] is a division of land six miles square and contains thirty-six square miles. Each square mile is called a section. These are divided into halves and quarters and these in turn into smaller fractions on the same scale.

The Survey.—The surveyors establish two lines as standards, one running due north and south called the principal meridian,[2] and the other at right angles to the first running due east and west and called the base line.[3] Other lines are run parallel to these north and south, east and west six miles apart, thus forming the townships. Each township is then divided into thirty-six sections, each one mile square and containing 640 acres as near as may be.

How Townships are Numbered.—Any township in the first row north of the base line is read "township one north" usually written T. 1 N., and similarly each township in the first row south is read "township one south," written T. 1 S. The rows increase north and south in numerical order.

A row of townships running north and south is called a range. The first row east of the principal meridian is read "range one east" and is written R. 1 E., and in like manner the first row west is read "range one west," written R. 1 W. These increase numerically east and west from the principal meridian.

[1]The system of public land survey was devised by a Committee of Congress of which Thomas Jefferson was chairman and was adopted May 3, 1785.
[2]The Michigan meridian is longitude 84° 19′ 09″ west.
[3]The Michigan base line is on a parallel seven miles north of Detroit and forms the north boundary of the second tier of counties.


C.
Range 4 West.
Principal Meridian.
Range 1 East.
Townships 3 North.
D.
Base Line.
Base Line.
A.
Townships 1 South.
Range 2 West.
Range 3 East.
B.

No. 1.

Township A in the figure is written in descriptions T. 1 S., R. 1 W., and is read "township one south, range one west."

Township B is written T. 3 S., R. 4 E.

Township C is written T. 4 N., R. 1 E.

Township D is written T. 2 N., R. 3 W.

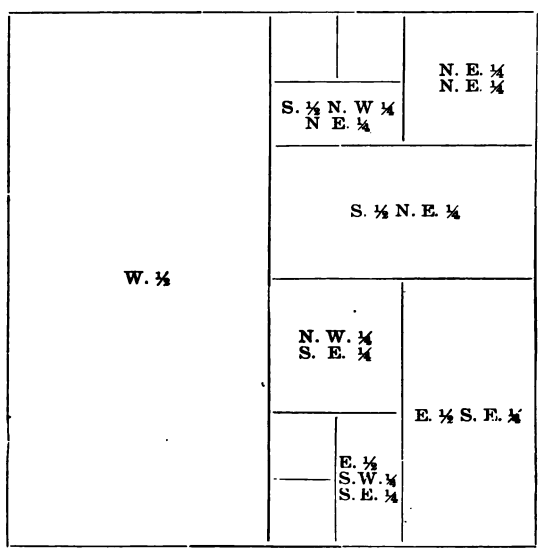
How Sections are Numbered.—The sections are numbered from one to 36, beginning at the north-east corner section and numbering west to six at the north-west corner, dropping south numbering back from west to east and proceeding alternately to section 36 in the south-east corner.

6.	5.	4.	3.	2.	1.
7.	8.	9.	10.	11.	12.
18.	17.	16.	15.	14.	13.
19.	20.	21.	22.	23.	24.
30.	29.	28.	27.	26.	25.
31.	32.	33.	34.	35.	36.

No. 2.

Divisions of Sections.—The usual division of the section is into square areas, quarter sections and quarter-quarters. Although the government recognizes no tract less than 40 acres individuals find it convenient to make other subdivisions as twenty, ten or five acre tracts. These are located by directions the same as the larger divisions. The accompanying figure will illustrate the method of division and description.

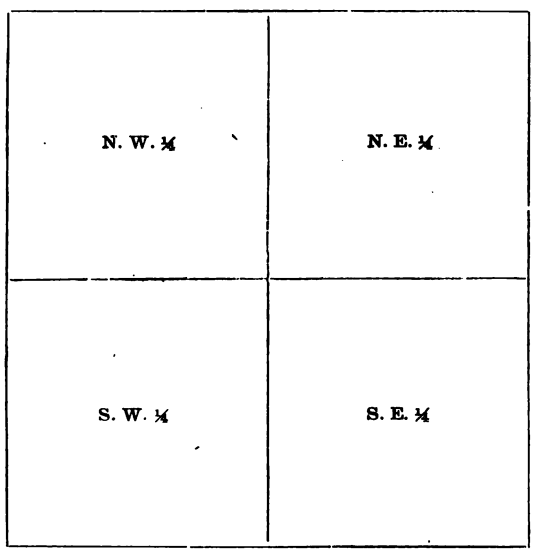
Correction Lines.—As the meridians converge as they extend northward the townships would decrease in size if reckoning continued to be made from the original base line. To preserve the size of the townships correction lines are run east and west from the principal meridian forming new base lines for townships lying north of them. These lines are supposed to be established every 24 miles from the base



No. 3.

line, but in practice they are established at other intervals. There are five correction lines in the state. The first correction line is between townships ten and eleven north, the second between twenty and twenty-one, the third between thirty and thirty-one, the fourth between forty and forty-one, the fifth between fifty and fifty-one north. The land in the upper peninsula is surveyed from the same base and *meridian* as that in the lower peninsula.

The Civil Township is a division organized into a corporate body for local and political purposes, with such powers and immunities as shall be prescribed by law. It is the political unit. The congressional township and the civil township have the same boundaries and extent, but represent different ideas and the distinction should be kept clearly in mind.



No. 4.

Organization.—Townships may be organized by act of the legislature or by the board of supervisors of any county upon the application of twelve free-holders. The board shall name the new township and fix the time and place of holding the first annual meeting. Townships may be divided or boundaries altered by the board of supervisors. Townships act under general statutes which prescribe their powers and duties and which are the same for all the townships of the state.

Powers, Duties and Liabilities.—As a body corporate a township may purchase and hold property. It may also vote money for necessary expenses, make orders or laws for directing and managing the local affairs of the township, establish hospitals for persons having contagious diseases, and erect a town hall. The duties of townships include holding township meeting, holding general election and paying necessary and proper township expenses, lay out and maintain highways, construct and repair bridges, have care of the public health and preserve the public peace.

A township is liable for all lawful contracts and indebtedness, and for injury by defective roads or bridges, but is not liable for neglect or misconduct of its officers.

Township Meetings.—The annual meeting of each township shall be held on the first Monday of April in each year. At this time there shall be chosen by ballot supervisor, clerk, treasurer, school inspector, commissioner of highways, justices of the peace and constables. In the upper peninsula overseers of highways are elected by ballot, but in the lower peninsula these officers and poundmasters are chosen *viva voce* or in such manner as the meeting may direct.

Special township meetings may be held for the purpose of choosing officers to fill any vacancy that may occur at the call of the township board if it shall be deemed expedient. Special meetings for the transaction of other business shall be ordered by same board on a written request of any twelve electors of the township.

Suggestions and Material.

A good township map of Michigan is desirable. Get one in which the upper and lower peninsulas are in correct relative positions. A good map may be obtained from The *Hammond* Publishing Company, Lansing, for one dollar.

Work out on the blackboard a township map on the plan of diagram one, proceeding from the base line and principal meridian until your own county and township is reached. Indicate the county lines.

Drill on reading descriptions until every one can do it readily. If in the country locate the children's homes by the land survey and indicate same on the map.

Get tax receipts, deeds or other documents and locate the descriptions.

In nearly every county there are errors in the original survey. These should be found out by talking with the supervisor or other well-informed person. Some very interesting peculiarities will be discovered in nearly every county.

If possible talk with the register of deeds about this subject. Learn what you can about the methods of surveyors.

Questions on the Text.

What is a congressional township?

When and by whom was our system of public land survey devised?

What is a section and how is it divided?

What is the principal meridian? Locate it.

What is the base line? Locate it.

How large is a township? A section?

How are townships numbered?

What is a range? How is it indicated?

How are sections numbered? How divided?

What are correction lines? How many in the state?

What is a civil township? How organized?

Name the powers of a township.

When is the annual township meeting held?

What business is transacted?

How may a special township meeting be called?

Home Study Questions.

What is a "long forty?"

Explain the phrase "more or less" as used in deeds and land descriptions.

How many acres in a township? How many acres in the township in which you live?

Locate your own township by land survey.

What is the description of the farm on which you live?

What is "witness tree?"

How do surveyors find section corners?

How long is a surveyor's chain?

What is interesting about section sixteen?

What is the average population of each section in your township as far as you are acquainted?

When was your township organized?

What is the origin of the name of your township? Has it ever been changed?

When and where was it settled?

Where did the first settlers come from?

Is the population increasing or decreasing? Reason for answer?

Has your township a " town house or hall?" Locate it.

CHAPTER III.

TOWNSHIP OFFICERS.

Name and Term.—There shall be elected annually in each organized township a supervisor, clerk, commissioner of highways, treasurer, school inspector, constables, justices of the peace, members of the board of review, overseers of highways and poundmasters. The office of township drain commissioner was abolished in 1897. Each officer shall hold office for one year and until his successor shall be elected and duly qualified, except justices of the peace, whose term is four years, and school inspectors and members of the board of review, whose terms are two years. Only electors shall be qualified to hold township offices, excepting the office of school inspector, which may be held by a woman providing she has the other qualifications of an elector.

Oath of Office.—All officers except justices of the peace shall take the oath of office within ten days after the notice of their election, which shall be filed with the township clerk. Failure to qualify within the specified time is deemed a refusal to serve.

Resignations and Removals.—Resignations of township officers shall be in writing addressed to the township board and filed with the township clerk. The governor may also remove an officer when he shall be satisfied from sufficient evidence that the officer is incompetent to execute the duties of the office or has been guilty of official misconduct or neglect of duty. The township board shall fill vacancies or may call a special election. Persons elected to fill vacancies shall

hold only during the unexpired term or until a successor is elected and qualified.

Supervisor.—The supervisor is the chief administrative or executive officer of the township. He is the agent for his township in the transaction of all legal business. He is by virtue of his office the assessor for his township. He represents his township at all meetings of the board of supervisors. He collects statistics relating to the insane, deaf, dumb and blind; makes returns of births and statistics concerning crops and stock. The supervisor affords relief to the poor. He is a member of the township board, board of review, board of health, board of inspectors of election and board of registration.

Clerk.—The clerk shall keep and have the custody of all records, books and papers of the township. He is required to give a bond for the faithful discharge of his duties and the safe keeping of the records. He keeps an account with the treasurer charging him with all funds which come into his hands and crediting him with all money paid out. Chattel mortgages are filed in his office. He is the township sealer of weights and measures. He shall keep the record of the proceedings of all township meetings and shall be a member of the township board, board of registration, board of inspectors of election, board of school inspectors and board of health.

Treasurer.—The treasurer shall have charge of all moneys belonging to the township, keeping an account of the receipts and expenditures of the same. This account shall be submitted to the township board on the Tuesday next preceding the annual town meeting. He shall give a bond to the township in such sum and with such sureties as the supervisor may approve, which bond shall be filed with the clerk. He collects all taxes. He is a member of the board of registra-

tion. No person shall hold the office of treasurer for more than two years in succession.

Commissioner of Highways.—The commissioner of highways has charge of highways, bridges and culverts, constructing and keeping them in repair. His work is done through the overseers of highways. The Michigan plan for caring for highways will be considered in a separate chapter. The highway commissioner gives a bond for $1,000 for the faithful performance of his duty.

Justices of the Peace.—There shall be not to exceed four justices of the peace in each township elected for four years and entering upon their duties July 4th. Justices are conservators of the peace and may hear smaller civil and criminal matters. They may administer oaths, solemnize marriages and hold inquests in the case of sudden or violent deaths.

Constable.—There shall be not to exceed four constables in each township elected for a term of one year. Constables shall be ministerial officers of justices of the peace and shall serve all warrants, notices and processes lawfully directed to them in any township of the county.

School Inspectors.—There shall be two school inspectors in each township elected one each year for a term of two years who, with the township clerk, from the township board of school inspectors. A woman who has the qualifications of an elector is eligible to the office. The chairman of the board of school inspectors is truant officer for the township. (For duties "Board of School Inspectors," see Chapter VI.)

Overseer of Highways.—At the town meeting each year there is elected *viva voce* or in such manner as the meeting may direct, one overseer of highways for each road district. Only residents of road districts or taxpayers in the district may vote in each case, and no person shall be eligible to the office who is not a resident taxpayer in the district. In the

upper peninsula overseers are required to be elected by ballot.[1] The overseer in each district shall see that the highways are kept in repair and shall see to the performance of the highway labor within his district. Vacancies are filled by the appointment of the commissioner of highways.

Poundmasters.—Poundmasters are elected[1] in the same manner as overseers of highways and as many in number as the meeting may direct. It is the duty of the poundmaster to take and keep any animals at large contrary to any by-law of a township. They shall be placed in the township pound if there be one, and if not, then in some other suitable place. Fees and costs of keeping are collected before returning the animals. Some townships do not direct the election of any poundmasters.

COMPENSATION.

Supervisor.—Assessing property, making tax rolls, etc., $1.50 per day; attending board, $3.00 per day; traveling, $0.06 per mile going and returning.

Clerk.—Clerk of boards, $1.50 per day; clerk of election, $1.50 per day.

Treasurer.—On taxes paid from December first to January tenth, one per cent, after that date, four per cent.

Highway Commissioner.—Assessing and collecting money tax, $2.00 per day; time actually spent in other duties, $1.50 per day.

Justice of the Peace.—Warrant, $0.25; subpœnas (not to exceed four), $0.10; trial of any cause, criminal, $3.00 per day, civil, $1.50 per day; swearing each witness, $0.10; continuance or adjournment, $0.15; a long list of other fees.

Constables.—Serving warrant, $0.50; summons, $0.25; subpœna, $0.15; traveling, $0.10 per mile; summoning a

[1] Local act 322 of 1881 provides for the election by ballot of overseers of highways and poundmasters in Springwells township, Wayne county.

jury, $0.75; attending upon a jury, $0.50; and many other fees.

School Inspectors.—See board of.

Overseer of Highways.—Each day in excess of his assessment, $1.00 per day; repairing culverts or bridges, not to exceed $1.50 per day.

Poundmasters.—All animals impounded, $0.04 (townships). In cities, $0.25 and $0.50 and for keeping, per day, $0.50, $0.75 and $1.00, depending on kind of animal.

Questions on the Text.

Name the township officers and term of each.

Who is eligible to hold office in a township?

When must township officers qualify?

How may a township officer resign? How be removed?

How are vacancies filled?

What are the duties of supervisor, clerk, treasurer, commissioner of highways, justice of the peace, constable, school inspector, overseer of highways, poundmasters?

How are overseers of highways elected in lower peninsula? How in upper peninsula?

What is the pay of each of the township officers?

Home Study Questions.

Do all the states have drain commissioners?

Why should the office of township drain commissioner be abolished?

Why should the term of justice of the peace be longer than the other township officers?

When does the justice of the peace take the oath of office?

What are chattel mortgages?

Why should there be a limit on the terms of township treasurer?

Have women held the office of school inspector in your township?

How many road districts in your township?

Are there any poundmasters elected in your township?

CHAPTER IV.

ELECTIONS.

Registration.—The supervisor, treasurer and clerk of every township shall constitute a board of registration. It is the duty of this board to make an alphabetical list of the names in full of all persons entitled to vote in the township. The meetings of the board are held on the Saturday next preceding any election at the office of the township clerk from nine o'clock in the forenoon until five o'clock in the afternoon. No person can vote whose name does not appear on the registration list unless such person shall on election day make oath that on account of sickness or absence on official business he was unable to register. Stringent laws have been passed to preserve the purity of elections and false or fraudulent registration in any point is amenable to heavy punishment.

Voting Places.—The township board of each township selects a suitable room for holding the election. A railing or fence four feet high is erected across the room with gates on either side for the entrance and departure of the voters. There shall be erected inside the railing a booth with walls not less than six feet high so that the person preparing the ballot shall be concealed from all other persons. There shall be at least one such booth for every one hundred persons entitled to vote as shown by the last preceding registration. No one but the officials shall be allowed within the railing except to vote or to assist some elector in the preparation of his ballot, and only as many electors as there are booths shall be allowed within the railing at one time.

Election Officials.—The conduct of elections is under the direction of the inspectors of election consisting of the supervisor, the justice of the peace whose term of office will first expire and the township clerk. The supervisor is chairman and the township clerk is clerk of the board of inspectors. The inspectors name at the opening of the election a second clerk from among the electors. In case all the inspectors are not present, the electors may choose by acclamation others to take the places vacant. No person can act as an inspector who is a candidate for any office to be elected by ballot at that election.

Each gate shall be in charge of a gatekeeper appointed at the opening of the polls by the board of inspectors whose duty shall be to allow no one to enter except those entitled to that privilege.

Each political party shall have the right to keep not exceeding two challengers at each place of voting.

Opening and Closing.—The polls of the election shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be,-and closed at five o'clock in the afternoon. Adjournment may be taken at twelve o'clock for one hour at the discretion of the board. The inspectors shall cause proclamation to be made upon opening the polls and one hour, thirty minutes and fifteen minutes before the closing of the polls in the following form: "Hear ye, hear ye, hear ye; the polls of this election will be closed at ..... o'clock in the afternoon of this day."

Ballot Boxes.—The township clerk shall provide one or more suitable ballot boxes with lock and key, and an opening in the top for the admission of a single closed ballot. Before opening the polls the box will be emptied of any contents, then locked and the key delivered to one of the inspectors designated by the board, and shall not be again opened during the election.

Official Ballots.—The one ballot shall contain the names of all candidates to be voted for at any election, all nominations of any party to be placed in a separate column under the title and device of such party with the name of each candidate opposite the name of the office for which he was nominated. The ticket of the party having the greatest number of votes at the last preceding presidential election shall be placed first on the ballot, the others to follow in the order of the vote cast as above. The ballots shall be of uniform size and of the same quality and color of white paper and thick enough to prevent the printing showing through. The upper-right hand corner shall be perforated and each ballot numbered on this corner, the same to be torn off before being deposited in the ballot box.

Instructions.—In all cases stamp a cross (X) in the circle under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need be done.

Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross in the square before the name of the candidate for whom you desire to vote on the other ticket.

Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross in the square before the name of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials of the inspector may be seen on the outside.

Election Commissioners.—The official ballots for the various elections are prepared by a board of election commissioners. The county board is composed of the judge of probate, chairman, county clerk, secretary and county treasurer. The township board constitute the commissioners for the township. In cities and villages persons shall be selected by the common councils. It is the duty of this board to prepare and deliver to the board of inspectors a sufficient number of ballots, at least two for each elector. With the ballots are included stamps, ink pads and other necessary material. These are delivered in sealed packages and not opened by the election inspectors until they are organized and ready to receive votes.

The tickets of the different parties shall be forwarded to the election commissioners by the party committees in state and county elections[1] not less than twenty days[2] before the election. The state committee of each political party shall prepare a vignette to be printed at the head of the party column not more than one inch and a half square containing some device and the name of the party. Cuts of this vignette shall be secured by the commissioners from which to print the ballots.

Qualified Voters.—Every male inhabitant may vote in all elections who is a citizen of the United States, twenty-one years of age, and has resided in the state six months and in the township, ward or precinct twenty days next preceding the election, provided that a person who has resided in the state two years and six months and declared his intentions to become a citizen of the United States two years and six months prior to an election, and who has the other qualifications may vote.

How to Vote.—After the organization of the board of

[1]In Wayne county not less than ten days.
[2]In township and municipal elections five days.

election inspectors one of the number shall open the package of ballots, delivering fifty to one of the other inspectors, who shall write his initials in ink upon the upper left corner for the purpose of identification. As the voting proceeds additional ballots shall be assigned.

Upon entering the enclosed space the elector is handed a ballot and retires alone to a booth where he prepares his ballot in accordance with the "instructions" printed at the top, indicating the persons for whom he wishes to vote. Before leaving the booth he shall fold the ballot so that the face shall be entirely hidden and so the initials of the inspector shall be on the outside. The ballot shall then be handed to an inspector who will announce the name of the elector audibly. The name will be recorded on the poll list and numbered and the ballot deposited unopened in the ballot box.

Challenging.—It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector. When any person is challenged by an inspector, challenger or qualified elector, the chairman of the board of inspectors shall state the constitutional qualifications of an elector. If the person continues to maintain his qualifications and the challenge be not withdrawn he shall take an oath containing the grounds of his qualifications. His vote shall then be received, but if he swears falsely he is liable to the penalties of perjury.

Counting the Votes.—Immediately upon closing the polls, the board shall proceed to canvass the votes. After a comparison and checking of the poll lists the boxes are opened and the whole number of votes counted. If the number of ballots exceed the number that voted, as shown by the poll list, one of the inspectors shall draw out and destroy unopened as many as shall be equal to the excess. After the ballots are counted the results shall be immediately

publicly declared. The persons receiving the greatest number of votes for any office shall be declared elected. If two or more persons shall receive an equal number of votes for the same office the inspectors shall determine the choice by lot and declare and certify accordingly. A statement in duplicate of the results is then prepared, certified and signed by the board of inspectors. One copy is filed by the township clerk and the other delivered to one of the inspectors appointed by the board to attend the county canvass.

Voting Machines.—The use of thoroughly tested and tried voting machines in township elections may be authorized by the board of supervisors of any county at an annual meeting by a two-thirds vote, such machines to be used for the ensuing year. City and village councils may authorize the use of machines for municipal elections. All machines must provide for a secret ballot.

Voting machines do away with the ordinary ballot and record each vote when made automatically, somewhat after the manner of cash registers in such common use. At the conclusion of the election no counting is necessary. The results may be taken directly from the machine registers and announced.

Suggestions and Material.

It is very desirable for a teacher to have visited a polling place and to have seen the plan and arrangement of the room and the methods of voting. Lady teachers can easily arrange for such a visit and it may prove profitable. If the visit be impossible a thorough explanation by some voter may be secured.

Many teachers will succeed nicely in conducting a mock election. The day of election is a good time.

Instruction ballots are given away and several should be secured. These differ from the real ones only in color.

The responsibility of voting and the importance of honest elections should be emphasized.

Questions on the Text.

Who constitute the board of registration?
What are their duties?
When does the board meet? Where?
Is it possible for a person to vote who is not registered?
Where is the election held?
What are the furnishings of the election place?
Who constitute the inspectors of election? How are they organized?
What are the other officials and their duties?
When do the polls open and close?
Describe the official ballot box.
Describe the official ballot.
Who prepares the ballots? How many are prepared?
What are the qualifications of an elector?
How does a person vote?
Who should be challenged? By whom?
How can a person who has been challenged vote?
How are the votes counted?
How are the results announced?
What is a voting machine and what is its purpose?

Home Study Questions.

What is meant by the "Australian System" of voting?
What was the former system of voting? What were its evils?
Can fraud be perpetrated under the present system?
Could a person vote who could not read or write? How?
Is it possible to know how a person voted except upon his own statement?

What is a "straight" ticket?

What is meant by "swearing in" your vote?

Define majority. Plurality.

If two persons were candidates for the same office and four hundred votes were cast, how many would be required to elect? How many if there were three or more candidates?

What is meant by a "distinguishing mark" on a ballot? What is the intention in such a ballot? How is it disposed of?

What is meant by "determine the choice by lot?"

What are "election returns?"

How is it determined which political party shall have its ticket first on the ballot?

CHAPTER V.

ROAD MAKING.

General.—The highways in Michigan are opened, improved and maintained by the labor of the residents and by assessments upon the property of each township.

Assessment.—For the purpose of carrying on the work and making the assessments each township is divided by the commissioner of highways into as many road districts as he may deem convenient. After the completion of the assessment roll by the board of review each year, the commissioner makes out a separate list for each road district, showing the name and the property assessed to each person. Opposite these is placed the number of days the property is assessed for highway tax.

Poll Tax.—Every male inhabitant of this state above the age of twenty-one and under fifty years, except pensioners of the United States, persons exempted by the military laws of the state, those who are mentally incompetent and paupers shall be liable to assessment for highway labor for what is commonly called capitation or poll tax, which assessment is one day in each year in the road district in which he resides

Overseers' Duties.—The township clerk who is clerk to the commissioner of highways makes duplicate lists of the assessment rolls, one of which is filed in the clerk's office, and the other handed by the commissioner to the overseer, with his warrant commanding the overseer of highways to warn the persons assessed to work on the highways. At least twenty-four hours' notice shall be given all persons of the time and place they are to work, and what implements they

are to bring. Non-residents of the township shall have five days' notice. Each team, implement or man furnished is deemed equivalent to one day's labor. Failure to appear at the overseer's notice renders one liable to fine in varying sums, depending on the refusal to furnish team, implements or man, as the case may be. Eight hours constitute a day's work. Highway labor is to be collected before the first day of August each year, except in that portion of the state lying north of the line between Arenac and Iosco counties labor may be performed as late as the first day of September. The overseer may, in his discretion, reserve not to exceed one-eighth of the entire amount for repairs at a later period.

Commutation.—Any person may elect to commute for the time he is to work, or for any part thereof, by paying to the overseer at the rate of one dollar for each day assessed. This money may be expended to the limit of fifteen dollars by the overseer in the purchase of implements or in the construction and repair of roads and bridges.

Noxious Weeds.—It is the duty of the overseer to have the noxious weeds on the highways cut down and destroyed twice each year, once before the first day of July and again before the first day of September. The labor necessary to do this is considered highway work. The law further provides that the loose stones shall be removed from the road once every month, from April first to December first. Canada thistles are to be removed both upon the highway and off the property by which or through which the highway runs by the owner, and in case of neglect or refusal by the overseer.

Fence Viewers.—Partition fences are required to be maintained by occupants of adjoining lands, which fence is to be four and a half feet high and in good repair, consisting of rails, timber boards, or stone wall, or any combination thereof. In case any party shall neglect to build or repair any partition fence the aggrieved party may complain to

two or more fence viewers, who may pass judgment as to the sufficiency or necessity of the fence. The overseers of the highways are made fence viewers in their respective townships.

County System of Roads.—The board of supervisors may, by a two-thirds vote of the members elect, submit the question of adopting the county road system to a vote of the people. When adopted, a board of road commissioners not exceeding five in number, to be fixed by the board of supervisors, shall be elected by the people. The board of road commissioners, on or before October first each year, determines the amount of tax to be raised each year for the care of county roads. All roads, except county roads, shall be township roads.

Questions on the Text.

How are the highways of the state cared for?
How is the assessment made for carrying on the work?
What is a poll or capitation tax?
Who are exempted from paying poll tax?
What are the duties of overseers of the highways?
When is the work done on the roads?
When may the assessment be paid in money?
What is the duty of the overseer as to noxious weeds?
Who are the fence viewers of the township and what are their duties?
What is the county road system?

Home Study Questions.

How many road districts in your township?
Are the roads well cared for?
When men "work on the road" do they work the same as when working for themselves?

How many hours constitute a day's work on the highways?

Who are most interested in having road work well done and the roads kept in good repair?

What is a macadamized road?

How were roads made in an early day?

What were "state roads"? Are there any near your school?

Name some noxious weeds.

Is it necessary that a road fence be maintained?

How much time is allowed for a man and team when working on the road? A plow? A scraper?

How may a district buy a road machine?

Has your county the county road system?

How wide is a country road?

How much land is occupied by a road one mile in length?

How would it be to have the roads narrower but better cared for, including all the space from fence to fence?

Of what material may a line fence be constructed?

Is barbed wire a "legal fence"?

Who is responsible for damages where an accident occurs in a defective bridge?

What is meant by condemning a bridge? How does that affect the matter of responsibility in case of damage?

What is the law as to the use of sleigh bells in winter in the upper peninsula?

What precautions must the owners of traction engines or other steam propelled vehicles take in passing along the highway?

How are new roads opened?

Can a road be constructed through private property?

CHAPTER VI.

TOWNSHIP BOARDS.

Township Board.—This board is composed of the supervisor, two justices of the peace, whose term of office will soonest expire, and the township clerk. The board meets annually on the Tuesday next preceding the annual township meeting for the purpose of auditing and settling all claims against the township. Claims are paid by the treasurer on the order of the board, signed by the clerk, and countersigned by the chairman. Settlement is made with the township treasurer and other township officers, who receive or disburse public money, for all moneys received and disbursed by them. In case the annual township meeting fails to vote the money for township expense, the board may vote such sum as may be necessary, not to exceed one thousand dollars. The board may grant the use of highways for street railway purposes. There are, beside these, many minor matters, in some of which the board has discretionary power. The township board exercises the legislative functions for the township.

Board of Review.—This board consists of the supervisor and two other members elected, one each year, for a term of two years. On the Tuesday next following the third Monday of May, the board of review receives the assessment roll from the supervisor for examination. The names of persons having property liable to assessment omitted from the roll may be added, all errors in names, description, assessment or valuation may be corrected and

anything else may be done to make the roll correct and to comply with the law.

On the fourth Monday of May the board shall meet again to hear requests of persons who desire that their assessment be corrected. Such persons may be examined on oath. The board shall continue in session two days, at least six hours each day. After the review is completed the majority of the board shall endorse the roll, stating that it has been approved.

Board of Health.—The township board constitute the board of health, of which the supervisor is president and the clerk of the township the clerk. It is the duty of the board to appoint a physician as health officer to act as the sanitary adviser and executive officer of the board. If it is impracticable to secure the services of a physician, some other person may be named. The appointment is to be made within thirty days after the annual township meeting. This board shall make regulations respecting nuisances and causes of sickness, cemeteries and the interment of the dead, the spread of contagious diseases and the care of persons infected with contagious diseases and the carrying on of offensive trades.

Board of School Inspectors.—There are two school inspectors elected for two years, who, with the township clerk, constitute the board of school inspectors. They shall meet and organize within twenty days after the annual town meeting. The board may organize school districts and alter the boundaries of the same. Whenever two or more contiguous districts have more than one hundred children of school age, the board of inspectors, upon proper notice, may unite such districts for the purpose of organizing a graded school district. The board shall have charge of the township library. On the third Monday of September, the inspectors make triplicate reports of such matters as shall be

required from year to year by the superintendent of public instruction. One of these reports is filed with the township clerk, the other two transmitted to the school commissioner. The number of paid meetings of the board is limited to eight. Many of the former duties of the board have been now committed to the county school commissioner. Women are eligible to membership on this board.

Board of Registration.—The supervisor, clerk and treasurer of every township shall constitute the board of registration. In case of absence or inability to serve, a justice of the peace shall act as a member of the board. The board shall be in session on the Saturday next preceding any election, general or special, at the office of the township clerk, from nine o'clock in the forenoon until five in the afternoon for the purpose of making a list of qualified electors.

Board of Inspectors of Election. — See Chapter IV, paragraph "Election Officials."

Compensation.—All members of township boards receive $1.50 per day for actual services, except the board of review, which receives $2.00.

Questions on the Text.

Name the boards of a township.
Who compose the township board?
When is the annual meeting?
What are the duties of the board?
Who compose the board of review?
When does it meet?
What are the duties of this board?
Who compose the board of health?
Who is at the head of this board?
What are the duties of this board?
Who compose the board of school inspectors?

What are the duties of this board?
What reports are required of the inspectors?
Who compose the board of registration?
When does the board meet?
What are its duties?
Who may serve in place of a regular member?

Home Study Questions.

What is a street railway franchise?
Name some contagious diseases.
What are some offensive employments?
What is the legislative body of the township?
In what is the executive functions vested?
Who exercises the judicial powers of the township?
What is a burial permit?
What work have you heard of a health officer doing?

CHAPTER VII.

TAXATION.

Assessment Roll.—On or before the third Monday of May in each year the supervisor or assessing officer shall make an assessment roll containing the name of every person liable to be taxed for personal property in the township, also a full description of the real estate with the owner's name if known. The supervisor shall estimate according to his best information and judgment the true cash value of every piece of property, both real estate and personal, placing the same on the roll. The assessment rolls are reviewed as given in chapter six, "board of review."

School Tax.—The district board shall estimate the amount to be raised, in addition to other school funds for the entire support of the school, including teachers' wages, fuel and other incidental expenses which amount shall be delivered in writing to the township clerk by the district board between the first and third Mondays in September in each year with all taxes voted by the district or which the board is authorized to impose.

The township clerk, on or before October first, delivers to the supervisor a certified copy of all statements filed in his office of the amounts to be raised for school purposes in the several districts.

The supervisor assesses the taxes voted by every school district in his township on the assessment roll in a column for school taxes which are collected and returned in the same manner as other taxes. The supervisor shall also assess upon the taxable property of his township one mill upon

each dollar of valuation each year. In fractional districts statements are made to the clerks of the different townships and thence to the supervisors, the amount of all taxes to be levied in the district.

Township Tax.—At the annual township meeting the qualified electors may vote money for the purpose of defraying contingent or ordinary expenses and for specific purposes. A township is limited to one thousand dollars in any one year for general purposes.

The township clerk of each township on or before October first, delivers to the supervisor a certified copy of all statements authorizing or directing money to be raised by taxation for township, school, highway, drain and all other purposes.

Dog Tax.—At the time of making the annual assessment the supervisor shall make a list of all persons owning or keeping a dog liable to be taxed. The tax shall be upon every male dog over six months old, one dollar; upon every female dog, three dollars. This tax is assessed and collected in the same manner and form as other township taxes.

At the annual meeting of the township board in April damages are awarded for all sheep killed or wounded by dogs during the preceding year, such amounts to be paid out of the fund received from the dog tax. This award is based on the certificate of a disinterested justice of the peace not a member of the township board, who is called to view the killed or wounded sheep. If money remains of such fund after all claims in any one year over and above one hundred dollars are paid, it shall be apportioned among the several school districts of the township in proportion to the number of children of school age.

Highway Tax.—The qualified electors in any township may by a vote at any annual or special township meeting determine that the highway tax shall be paid in money

instead of labor. The highway commissioner assesses the tax following the completion of the assessment rolls by the board of review. Separate lists are made out for each road district. The amount to be raised is voted by the township meeting or board, and is levied and collected in the same manner as taxes for general township purposes.

County Tax.—The amounts to be raised by taxation in each township for county purposes *is determined* by the board of supervisors. The county clerk, after the apportionment of county and state taxes by the board of supervisors, makes out two certificates for each township showing the amounts apportioned to each, giving one to the county treasurer and one to the supervisor of the proper township.

State Taxes.—On or before September first each year the auditor general prepares a statement of all taxes to be raised for state purposes. These he apportions among the several counties in proportion to the valuation as determined by the last preceding state board of equalization. Before the October session of the board of supervisors a statement of the amount of taxes apportioned to each county is sent to the county clerk who lays the statement before the board of supervisors.

Assessment of Taxes.—Each supervisor assesses the taxes apportioned to his township according to the valuations entered by the board of review, placing each tax in a separate column, and the total in the last column at the right. The several columns shall also be footed and a statement of these footings handed the township clerk who charges these amounts to the township treasurer.

Property Exempt From Taxation.—(a) Real.—Property belonging to the United States, to this state and to any county, township, city, village or school district, when used for public purposes; property owned by library, benevolent,

charitable, educational and scientific institutions, but not fraternal or secret societies; houses of worship and parsonages; burial grounds; property of persons who by reason of poverty are unable to pay; property that pays specific taxes; property of agricultural societies, state or county, used for fair purposes; parks and monument grounds; armories belonging to military organizations.

(b) Personal.—Property of organizations whose real estate is exempt; posts of the Grand Army of the Republic and similar organizations; household furniture, provisions and fuel to the value of five hundred dollars; library, family pictures and wearing apparel; mechanic's tools not to exceed in value the sum of one hundred dollars; fire extinguishing apparatus; horses and cattle not over one year old and sheep and swine not over six months old, personal property used in connection with one's business of the value of two hundred dollars.

Equalization by Counties.—The board of supervisors of each county at the October[1] session of each year examines the assessment rolls of the several townships and wards and ascertains whether the *relative* valuation of the *real* property has been equally and uniformly estimated. If not deemed uniform the board may equalize the valuations by adding or deducting from any township or ward such amount as it deems necessary to make the valuations equal and uniform. No change is made in the personal assessment or of any individual assessment. Upon these, the equalized valuations, the apportionment of state and county tax is made. The supervisor does not, however, change his

[1]A meeting of the board is held each year that ends in one and six, as 1901, 1906, 1911, on the fourth Monday of June, to equalize the assessment rolls. This is for the purpose of furnishing the data for the State Board of Equalization which meets once in five years. Local act 361 of 1897 provides that in Bay county the meeting shall be on the third Monday of July, 1901, and every fifth year thereafter.

rolls and the tax is spread based on the original valuation.

State Board of Equalization.—This board is composed of the lieutenant governor, auditor general, secretary of state, state treasurer and commissioner of the land office. The board meets at Lansing on the third Monday of August every fifth year (years ending in one or six, as 1901-1906-1911). Tabular statements prepared by the clerks of the boards of supervisors of the several counties are examined and representatives of any county are listened to or evidence submitted considered, after which the relative valuation of the several counties is fixed. This valuation is the basis upon which the auditor general apportions the state taxes for the ensuing five years.

Collection of Taxes.—The supervisor reports to the treasurer on or before November fifth, the amount of state and county taxes apportioned to his township. On or before November twenty-eighth the township or city treasurer gives to the county treasurer a bond with sufficient sureties to double the amount of state and county taxes. This bond is filed with the county treasurer, who issues a receipt therefor, which is given to the supervisor upon the delivery of "the tax roll."

On or before December first, the assessment roll shall be delivered by the supervisor to the treasurer with a warrant attached commanding him to collect the several sums given in the last column. A detailed statement of all the taxes to be raised is prepared by the supervisor and given to the clerk who charges the several sums to the treasurer. After collecting, the treasurer retains the money belonging to the township and pays the amounts collected for county and state purposes over to the county treasurer—all taxes shall be collected before March first. The treasurer shall remain in his office every Friday during the month of December.

On all taxes paid before January tenth he adds one per cent for collection fees, after that date he adds four per cent.

Delinquent Taxes.—(a) On Personal Property.—If the taxes are not paid on personal property the treasurer shall seize the property to an amount sufficient to pay such tax, fees and charges for subsequent sale. After five days' notice, the property may be sold. If more should be realized from the sale than is required to meet the treasurer's claims the balance shall be returned to the owner. In case property is removed from the township it may be seized in any township or city of the state to which it has been taken.

(b) On Real Estate.—If the treasurer is unable to collect the taxes on real property he makes within one week a statement with a full and perfect description of the property and the several taxes unpaid to the county treasurer. After a verification of the statement by comparing with the tax roll the county treasurer gives to the township treasurer a receipt for all money received, a statement of all taxes rejected by him, the amount of delinquent taxes returned and the amount of any unpaid taxes on personal property. The county treasurer endorses the fact of such settlement on the bond of the township or city treasurer which constitutes a discharge of the treasurer and his sureties from the obligation of the bond.

The county treasurer makes a complete record of all unpaid taxes with a list of the lands on which the same are delinquent on books prepared for the purpose, transmitting a transcript of the record to the auditor general by May first. After the return of the unpaid taxes they may be paid to the county treasurer who will issue duplicate receipts countersigned by the county clerk, who will forward one to the auditor general.

Sale, Redemption and Conveyance of Delinquent Tax Lands.—All lands which have been returned to the auditor

general as delinquent for taxes and upon which any taxes have remained unpaid for one year or more are subject to sale for enforcement and collection of the tax. Sometime before the annual tax sale the auditor general files with the county clerk of each county, in which lands are to be sold, a petition addressed to the circuit court in chancery praying a decree in favor of the state against the lands on which taxes are due for the payment of same, and in default thereof the land be sold. This petition is presented to the circuit judge whose duty it is to make an order for a hearing. The petition and the order are published at least once a week for four weeks in some paper published in the county where the petition is filed. The auditor general selects the papers for advertising. At least ten days before the time fixed for the sale a final decree is made by the court in favor of the state for taxes, interest and charges as may be valid against each parcel of land.

On the first Tuesday of May at ten o'clock a. m., the county treasurer commences the sale of the lands mentioned in the decree at the county seat, selling each parcel separately. The treasurer issues a certificate of sale to each purchaser which is exchanged for a tax-deed issued by the auditor general if the land is not redeemed by the owner before the first day of the next sale. Any person owning any lands sold may at any time before the first Tuesday in May following the sale redeem the land by paying to the county treasurer or auditor general the amount of the sale and interest from date of sale, when a redemption certificate will be issued.

In case a parcel of land cannot be sold the treasurer bids off the land in the name of the state, and reports back to the auditor general. These lands are listed separately but are again offered for sale and sold the same as other lands. After being delinquent for taxes five years state tax

lands are deemed abandoned and are turned over to the commissioner of the state land office as homestead lands.

Suggestions and Material.

If convenient secure a talk before your class from your supervisor or someone who has served in that office on the manner of making the assessment.

An interesting study may be made of the relative valuations of neighboring townships or wards as compared with the one in which you live. Account for the difference.

Similar comparisons may be made of the valuations of school districts and the amounts expended in these districts for the support of schools. Consult the supervisor for these figures.

Children may be encouraged to bring old tax receipts from their homes. Review land descriptions. Note the relative amounts of the different tax items. Which is largest? Which is smallest?

Discuss one by one the reasons for exempting the different items mentioned from taxation.

Make a tax table showing how the roll is made out.

Secure a tax sale list from the newspaper at the time of publication and preserve for reference.

Questions on the Text.

When and by whom is the assessment made?

What facts do the rolls show?

How is the amount of school tax determined?

How does the supervisor learn the amount of the school tax?

What is done in fractional districts?

How is the amount of township tax determined?

How much money may a township raise annually?

What is dog tax and why is it raised? How much is it? How is it disposed of?

How does the supervisor learn the amount of county and state tax apportioned to his township?

What is highway tax and how is it determined?

Name all the taxes one is called upon to pay.

Who apportions the state tax? How?

How is the roll made out?

What property is exempt from taxation?

When and how are the township valuations equalized?

Which valuation does the supervisor use in spreading the tax?

What is the purpose of the county equalization?

When and by whom is the state equalization made?

When does the township treasurer receive the roll?

When and where may taxes be paid?

How is the township and county protected?

How does the treasurer dispose of the taxes collected?

What action is taken if taxes on personal property is not paid?

When and how is the treasurer released from his bond?

Is there any opportunity to pay a tax after it has been returned to the county treasurer?

What disposition is made of unpaid taxes by the county treasurer?

Give the successive steps in the sale of lands for the taxes by the auditor general.

When is the tax sale held?

What final disposition is made of lands that cannot be sold by the auditor general?

Home Study Questions.

What is personal property? Real estate?

Give several examples of each kind of property.

How much money is raised by tax in your districts for school purposes?

What are the different sources of school support?

What is the value of the personal property in your township or ward?

What is the value of the real estate in your township or ward?

Find by inquiry how real estate sells compared with its assessed valuation.

What is the rate of taxation in your township or city?

Is it increasing or decreasing? Why?

What are taxes? Why are they necessary?

Are taxes considered a burden? Why?

Does any one escape taxation?

What are direct taxes? Indirect?

Are the benefits received in proportion to the amount paid?

CHAPTER VIII.

VILLAGES.

Incorporation.—Any part of a township or townships not included in any incorporated village, containing an area of not less than one square mile and a resident population of not less than three hundred persons, may be incorporated as a village. Application is to be made to the board of supervisors of the county by not less than thirty legal voters residing within the territory. It is required that a census be taken within sixty days previous to making the application, and that four weeks' notice shall be given of the intended application by posting notices and by publishing in newspapers. The board of supervisors shall hear all parties interested, and having become satisfied that all legal requirements have been complied with, may make an order declaring the territory an incorporated village by the name specified in the application or designated by the board.

Officers.—There shall be elected in each village a president, six trustees, a clerk, assessor and treasurer, who shall be *ex officio* collector and shall not be eligible to the office more than two successive terms. The term in each case shall be one year, excepting of the trustees, which shall be two years, three being elected each year.

The president appoints a marshal, a street commissioner and other officers as may be provided for by the village council.

Vacancies in elective offices shall be filled by the council, in appointive offices by the president.

Elections.—The annual election occurs on the second

Monday in March. Special elections may be called by the council as may be necessary. The president, clerk and two trustees or any four trustees to be appointed by the council shall be the inspectors of election. The council appoints a non-partisan board of three election commissioners to prepare and print the ballots. The elections shall be conducted in the same manner as general state elections. The council meets on Thursday following the election and determines the results. In case of a tie the council makes a choice by lot. A village having more than six hundred fifty electors may be divided into two or more voting precincts.

Duties of Officers.—(a) President.—The president is the chief executive officer of the village. He presides at all meetings of the council, but votes only in case of a tie. He is a conservator of the peace and may exercise within the village, the power of sheriff to suppress disorder. The council elects a president *pro tem* to preside in the absence of the president.

(b) Clerk.—The clerk keeps the records of the village council and is custodian of the corporation seal and all books and papers belonging to the village. The clerk is accountant of the village and draws orders on the treasurer for all claims after they have been allowed by the council.

(c) Treasurer.—The treasurer shall have the custody of all money belonging to the village, paying out the same upon the order of the clerk and president and keep an account of all receipts and expenditures. He shall collect all taxes raised.

(d) Assessor.—The assessor makes an assessment roll for the village at the same time and in the same manner and form, as the supervisor for the township. The assessor and two other electors appointed by the council act as board of review. After the rolls have been certified to by the council the assessor apportions and extends the taxes and delivers the

same to the treasurer not later than the first Monday in May. The time for the collection is set by the president, but shall not be extended later than the third Monday of October.

(e) Marshal.—The marshal is the chief of police under the direction of the president and council. He is to see that all regulations of the council for the preservation of good order and for the safety and protection of the inhabitants of the village are strictly enforced. He is paid the same fees as constables for similar services.

(f) Street Commissioner.—It is the duty of the street commissioner to perform or direct all labor, repairs and improvements upon the streets, sidewalks and other public works as the council shall direct to be done. The offices of marshal and street commissioner may be, and frequently are combined.

Village Council.—The council is the legislative body of a village and consists of the six trustees and the president. The council holds regular meetings at least once a month which are open to the public. At least four trustees must be present in order to transact business. The council audits and allows all accounts against the village.

One of the chief duties of the council is the enactment of regulations or laws called "ordinances." These relate to a very great variety of subjects prescribed by law, such as gambling, public health, saloons, shows, fire department, fast driving, building restrictions, support of the poor and many others.

Miscellaneous.—Any village having a population of five hundred or over may construct and maintain water works, both for ordinary use and for fire protection, and such a village may also provide for gas, electric or other lights. Any village may provide such public buildings and grounds and parks as may be necessary or convenient for the public good. Any village may acquire and own a cemetery, either within

or without the limits of the village, as the council deems necessary for the public welfare.

Suggestions and Material.

The method of study of this topic may vary depending on the location of the school. If in a village a copy of the charter and ordinances should be secured.

Draw a map of your village.

Make a roster of the village officers.

Ascertain local conditions by conversation with village officers or other well-informed citizens.

Questions on the Text.

When may a village become incorporated?

What are the steps in the process of incorporation?

Name the elective village officers. The appointive.

What is the term of each?

How are vacancies filled?

When does the village election occur?

How is it conducted?

Who constitutes the board of canvassers?

What are the duties of the village president? Clerk? Treasurer? Marshal? Street commissioner?

Who compose the village council?

How is the council conducted?

What are ordinances?

What are some of the subjects of village legislation?

What public improvements may villages undertake?

Home Study Questions.

When was your village settled? When incorporated?

What is the origin of the name of the village?

What led to its location and settlement?

Who have been prominent in its affairs?

Name the incorporated villages of the county.

What is the area and population of your village?

What things are prohibited by ordinances in your village?

What if any legislation in your village as to sidewalks, streets, bicycle riding, shows, fast driving?

What are licenses and of whom obtained?

Why should licenses be necessary?

In what is the village legislative, executive and judicial functions vested?

If a person should be injured in a defective sidewalk could he collect damages? How?

CHAPTER IX.

CITIES.

Incorporation.—All cities are created by the legislature, either by special act or under the provisions of a "blanket charter," an act passed in 1895, entitled "An act to provide for the incorporation of cities of the fourth class."[1] Cities of the fourth class are those containing a population not exceeding ten thousand. Any incorporated village of not less than three thousand[2] population may incorporate as a city of the fourth class upon the application of one hundred or more freeholders to the village council by whom the question is submitted to a vote of the electors of the village. A declaration of incorporation by the council is filed with the county clerk and secretary of state. The village officers and council continue in office until the city officials are elected.

Wards.—The village council divides the newly incorporated city into wards. If the population is less than five thousand there may be three wards; if five thousand or upwards four wards and an additional ward for every additional two thousand inhabitants above five thousand and up

[1]In 1895 there was a commission appointed to draft general laws pertaining to cities. That commission drafted bills for first, second, third and fourth class cities and a general village law. The bills pertaining to cities of the first, second and third class failed to pass; the bill relative to cities of the fourth class passed, and also the bill relative to villages. There are therefore no cities of the first, second and third class and those that do not come under the four class city act, have special charters granted by the legislature. For list of cities of fourth class see Michigan Manual for 1903, page 319.

[2]Some cities of the fourth class have less than three thousand population but these were incorporated previous to 1895, and simply voted to come under the provisions of the general act.

to ten thousand. Ward boundaries are changed only by the legislature.[1]

Officers.—The officers to be elected by the whole city are mayor, clerk, treasurer and two justices of the peace; by each ward, a supervisor, two aldermen and a constable. If a city under this act has but two wards it may provide for the election of two aldermen at large. The mayor appoints on the first Monday of May each year, by and with the consent of the council, a city attorney, marshal, street commissioner, surveyor, a city assessor when provided for, a chief engineer of the fire department, and other officers that may be provided for by city ordinance. Aldermen are elected for two years. Justices of the peace for four years, and all the others, elective or appointive officers, are for a term of one year. The elective officers enter upon their duties the second Monday in April.

Elections.—The annual city election is held the first Monday in April, in places designated by this council.

The aldermen of each ward shall constitute the board of registration. A board of three election commissioners is appointed by the council ten days previous to any election with duties same as under general election laws. The supervisor and two aldermen of each ward and one elector appointed by the council constitute the board of election inspectors. The inspectors organize by electing a president and clerk. The polls open at seven o'clock a. m., and close at five o'clock p. m. Proclamation is made upon opening the polls and upon closing, also one hour, thirty minutes and fifteen respectively before closing. When any ward casts six hundred fifty votes the council shall divide the ward into two or more voting districts. The council convenes on Thursday following election and determines the results.

[1]Cities that had more wards than entitled to by its population when coming under the provisions of this act were not required to diminish the number.

Persons elected are notified in writing within five days by the city clerk.

Duties of Officers.—(a) Mayor.—The mayor is the chief executive officer of the city. He presides over the council,

A TYPICAL CITY BUILDING.

giving information as to the affairs of the city and recommending such measures as he deems expedient. It is his duty to have supervision over all departments of city government and see that all laws relating to the city and the ordi-

nances and regulations of the council are enforced. He is a conservator of the peace and may exercise within the city the power of a sheriff in suppressing disorder. The president *pro tem.* of the council performs the duties of mayor in case of absence or disability of the mayor.

(b) Clerk.—The clerk is clerk of the council and keeper of the corporate seal and all papers, bonds and records of the city. He is general accountant of the city. All claims against the city are filed with him and when ordered by the council he draws orders upon the treasurer in payment of same. He keeps an account with the treasurer, making a report to the council when required of the financial condition of the city.

(c) Treasurer.—The treasurer has custody of all moneys, bonds, mortgages and notes belonging to the city. He is the collector of all taxes levied within the city. He reports to the clerk each month and to the council annually, or oftener if required, the amounts received and paid out by him.[1]

(d) Marshal.—The marshal is chief of police, and under the direction of the mayor is to see that quiet and good order are preserved. It is his duty to arrest all disorderly persons and may command aid of citizens in the performance of his duty.

In most smaller cities the duties of street commissioner are conferred upon the marshal. In this connection it is his duty to perform or cause to be performed all work ordered by the council upon highways, streets, walks, bridges, public grounds or parks.

(e) Attorney.—The city attorney is the legal adviser of the council and all city officers, and acts for the city in all

[1]The justices of the peace, constables and supervisors have the same duties within the city and their respective wards as have these officers under the general laws in the townships.

legal proceedings in which the city is interested. He prosecutes all violations of the city ordinances.

(f) Surveyor.—The duties of city surveyor within th city are similar to those of the county surveyor. He makes all necessary plats, maps, surveys required by the council relating to the public improvements, buildings, grounds and streets of the city.

City Council.—The legislative authority of the city is vested in a council consisting of the mayor, two aldermen from each ward and the city clerk. The mayor is president of the council, but has no vote except in case of a tie. The city clerk is clerk of the council, but has no vote. Regular meetings of the council are required to be held at least twice each month, but are usually held each week. The attendance of all members is compulsory. All sessions of the council are public and the proceedings are published in one of the newspapers of the city.

Departments.—(a) Police.—The council may provide by ordinance for a police force, and the mayor may appoint such number of policemen and night watchmen as may be deemed necessary for the good government of the city. Special policemen may be appointed in an emergency. The marshal is chief of police.

(b) Water Works.—Any city may purchase or construct a system of water works. Upon a two-thirds vote of all the electors of the city, money may be borrowed to an amount not exceeding five per cent of the assessed valuation of the city for such purpose.

(c) Lighting.—Any city may purchase or construct and operate a plant in connection with or independent of the water works for supplying gas, electric or other lights. Money may be raised under same conditions as for water works.

(d) Fire Department.—The council may organize fire

companies, purchase necessary apparatus, provide suitable buildings for keeping the equipment and appoint firemen. The engineer shall be the chief of the fire department. The council may provide for and appoint fire wardens to examine all heating apparatus and all places where combustible or explosive substances are kept and cause, if necessary, all such to be made safe as respects to fire. The council may prescribe fire limits within which wooden buildings shall not be erected, and direct the manner of constructing buildings within such districts. Owners of buildings may be compelled to provide fire escapes. The council may pass and enforce all ordinances and regulations necessary for the prevention and suppression of fires.

(e) Board of Public Works.—A non-partisan board of public works, consisting of five members, shall be appointed by the mayor, one each year for the term of five years, to serve without compensation. One of their own number shall be elected president, and the city clerk shall be *ex officio* clerk of the board. This board shall have charge, subject to the direction of the council, of the construction, management, supervision and control of the city water works, electric or other lighting plants, sewers and such other public improvements or works as the council may place under their management.

Suggestions and Material.

Classes in rural schools will not be interested in making as close study of city government, but should be able to see some of the differences between city and country life as shown in building restrictions, disposal of garbage, inspection of milk and meat and other restrictions.

City classes and others may secure a city charter and a printed copy of the ordinances. It is not so important to learn particular facts as to different items of city legislation

as to discover the nature of the subjects and the principles underlying the administration of municipal affairs.

A general study of city government, as illustrated in the great cities, will be profitable and interesting. The dangerous tendency of the population to center in cities and the relative decrease of rural population may be seen.

Questions on the Text.

When may a village be incorporated as a city?

What are the two methods of incorporation?

What are cities of the fourth class?

What about cities of the first, second and third classes?

How many and what are the divisions of a city?

Name the city officers. The ward officers.

What is the term of the city officers? Members of the council?

When does the city election occur? When are the appointive officers named?

Who are the city election officials?

Give the duties of the mayor, clerk, treasurer, marshal, attorney, surveyor.

Who compose the city council?

How is the council organized and its business transacted?

Name the city departments.

What is said of the police department? Water works? Fire department? Board of public works?

Home Study Questions.

Is your city (or nearest one to you) incorporated under a special act or under the blanket charter?

What is its population?

Is the population increasing or decreasing? Why?

When was it incorporated?

Has the name ever been changed?

What is the origin of the name?

Make a list of the mayors since the incorporation.

How many wards in your city? In Detroit?

What is a voting precinct?

Do city officers receive any compensation?

What is meant by municipal ownership?

Can you give some illustrations?

Which is better, private or public ownership of water works, lighting and other plants?

What are fire wardens? Why are they necessary?

Could a man move a building through a city street?

Could material to be used in a new building be piled in the street?

What is meant by city limits?

CHAPTER X.

COUNTIES.

Organization.[1]—There is no territory in the state today not organized under county government, although a number of the northern counties have unorganized townships owing to the lack of population. Township organization is necessary to county organization. No county can be completely organized without more than one township. A county is organized when it has the townships and township officers to carry into effect the legislative and administrative functions belonging to it. Each organized county is a body corporate. No county shall be reduced to less than sixteen townships unless a majority of the resident electors so decide, and the boundaries of the several counties shall remain as now established unless changed by the legislature.

County Seat and Buildings.—By act of congress of 1836 the board of supervisors were permitted to preempt a quarter section of land for seat of justice, paying two hundred dollars therefor. Each county has a county seat and the only question to arise now is change of location. The board of supervisors may by a two-thirds vote of all the members elect submit a proposition for removal to a vote of the people, and if carried by a majority vote such change of loca-

[1]The county of Wayne was organized August 18, 1796, and included nearly all the present State of Michigan and a portion of Ohio and Indiana. The county was reorganized November 21, 1815, by General Cass. Monroe county was organized July 14, 1817, in anticipation of President Monroe's visit, which occurred the following month. Macomb was established January 15, 1818. In 1822 six new counties, Lapeer, Sanilac, Saginaw, Shiawassee, Washtenaw and Lenawee, were established. In 1829 a large number were established and organization and reorganization has proceeded up to the present. Each county provides a court house, jail, fire-proof offices and all other necessary public buildings.

tion shall be made. The vote shall be taken at the annual town meeting and shall be preceded by public notices, naming the place which has been designated.

A TYPICAL COUNTY BUILDING.

County Officers.—The following county officers are elected for two years each, sheriff, clerk, treasurer, register of deeds, prosecuting attorney, surveyor, two coroners and a circuit court commissioner (in counties of more than 20,000 population two commissioners) and a judge of probate and school commissioner for four years. One or more notaries public are appointed by the governor for four years

and a county drain commissioner for two years, two school examiners for two years and three[1] superintendents of the poor for three years by the board of supervisors. The sheriff, clerk, treasurer, register of deeds and judge of probate must maintain their offices at the county seat.

The board of supervisors may unite the offices of clerk and register of deeds in one office or disconnect the same.[2] The governor may remove any county officer for sufficient cause. The county officers assume the duties of their office January first following their election. Local act 294 of 1895 provides that the term of the treasurer of Wayne county shall begin on the first day of July next succeeding his election.

(a) Sheriff.—The sheriff[3] is the chief executive officer of the county. He gives bonds to the penal sum of ten thousand dollars, with not less than three sureties, and is personally responsible for his own acts. The sheriff has charge of the jail and the prisoners in the same. He shall serve or execute all writs, precepts and orders issued to him by lawful authority. The sheriff appoints an under sheriff and one or more deputies to hold office at his pleasure, and for whose official acts he is responsible.

A sheriff or deputy, as well as constable, may call assistance when required in the securing of a person for felony or breach of the peace or in preserving the peace. The under sheriff executes the office of sheriff whenever a vacancy occurs until a sheriff shall be elected. The sheriff's compensation is, in the lower penisula, entirely by fees, in the upper by a salary fixed by the board of supervisors. A person cannot hold the office longer than four years in any six.

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[1]Wayne county has seven.

[2]The following counties have the offices united (1901): Antrim, Baraga, Clare, Delta, Keweenaw, Lake, Luce, Menominee, Missaukee, Montmorency, Ontonagon, Oscoda, Roscommon, Schoolcraft.

[3]The word sheriff comes from the Saxon words "shire" and "reeve." The shire-reeve or sheriff being the chief officer of the English shire or county.

(b) Clerk.—The county clerk is clerk of the circuit court and has the custody of the seals, books and papers of the court. He is also clerk of the board of supervisors and has charge of the books, records and accounts of the board. Marriage licenses and licenses for hunting deer are obtained of the clerk. He keeps a record[1] of births, deaths and marriages and reports same to the secretary of state. He appoints one or more deputies and designates one as his successor in case of vacancy. He gives a bond of two thousand dollars. He receives a salary fixed by the board of supervisors and certain fees in addition.

(c) Treasurer.—The county treasurer receives all moneys belonging to the county, paying it out on order[2] of the board of supervisors signed by the clerk. He is required to give a bond to the county of such amount as may be fixed by the board of supervisors by whom all the treasurer's books and accounts are audited once a year, and a bond to the state of such amount as fixed by the state land commissioner. Insurance of county buildings is made in the name of the treasurer by direction of the board of supervisors. He settles with the several township treasurers and pays the state tax over to the state treasurer. The matters pertaining to delinquent taxes are conducted through this office, and the annual tax sale is conducted by the treasurer. He issues liquor licenses and furnishes certificates of taxes paid. A person can hold the office but four years in any six. He receives a salary fixed by the board of supervisors and a few fees.

(d) Register of Deeds.—The register of deeds keeps a record of all real estate transfers, including deeds, mort-

[1]These are called "Vital Statistics." The record of marriages is made up from the returns made to the clerk by those who perform the ceremony; the record of deaths from returns made by the city and township clerks once a month; the record of births from returns made by the supervisors once a year.

[2]Salaries of county officers and orders of the drain commissioner, soldiers' relief commission and superintendents of the poor are paid by the treasurer without the orders of the board of supervisors directly.

gages, village plats and land contracts in suitable books furnished by the county. For these and all papers recorded by the register he receives eleven cents for each folio (100 words), and for copies of these records seven cents per folio. For recording papers in any other than the English language twenty cents a folio is allowed. Other fees are allowed for the various items transacted by the register. Each register has a seal which is placed upon every recorded instrument. In case of a vacancy in the office of register of deeds or inability of the register to act, the judge of probate may appoint some one to serve for the time being.

(e) Prosecuting Attorney.—The prosecuting attorney appears for the county and prosecutes or defends all suits, civil or criminal, to which the county may be a party. He prosecutes all criminal matters in behalf of the people and gives opinions and advice to the county officers when requested. He is required to make a semi-annual report to the attorney general of the state, giving the amount and kind of official business transacted by him. The prosecutor may have assistance by direction of the court in special cases, and a few counties have regular assistant prosecuting attorneys.[1] He receives a salary fixed by the board of supervisors, but must not take a fee for any business which it is his duty to perform.

(f) Surveyor.—The county surveyor, in person or by deputy, makes such surveys within his county as may be required of him by any court or by any person. A record is made of each survey for permanent purposes in a suitable book provided by the county, which is turned over to his successor with any other books or papers relating to his office. He receives a compensation of four dollars a day including time in traveling to be paid by the person for whom the service is rendered.

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[1] *Bay, Jackson,* Kalamazoo, Kent, Muskegon, Saginaw, St. Clair, Wayne.

(g) Coroners.—Two coroners in each county determine the cause of sudden, violent and suspicious deaths. Six good and lawful men are summoned to act as a jury, and after taking an oath view the dead body. Witnesses are summoned and a post mortem examination may be made. The inquest may be adjourned from time to time for carrying out these plans. After the inspection, hearing the testimony and making all needful inquiries the jury draws up the inquisition in which they certify where, in what manner, and by what means deceased came to his death. If it appears that he came to his death by unlawful means the jurors shall state, if known, who was guilty or were in any manner concerned with his death. Upon the request of five citizens a justice of the peace may conduct an inquest in the same manner and form as a coroner.

In case there is no sheriff or under sheriff the circuit judge may designate one of the coroners to perform the duties of sheriff, and when the sheriff for any cause shall be committed to jail the coroner living nearest shall keep the jail. The coroner may also serve and execute any process when the sheriff is a party to or interested in the case.

The coroners of Wayne county receive a salary fixed by the county board of auditors of not to exceed twelve hundred dollars. In all other counties they receive fees. For viewing a dead body and conducting the inquest they receive three dollars with additional amounts for traveling, witnesses and the jury.

(h) Circuit Court Commissioners.—The circuit court commissioner, who is required to be an attorney, is a subordinate and an assistant to the circuit court and is authorized to perform every act, power and trust which a judge of the circuit court may perform and execute out of court. They are paid by fees except in Wayne county, where they have a salary and are allowed clerks.

(i) Notaries Public.—Notaries public are appointed by the governor for a term of four years, and while they must reside in the county for which they are appointed, they may act in any part of the state, and the office is frequently considered as a state rather than a county matter. Women may hold the office. A fee of one dollar and an indorsement is required with the application to the governor for appointment. Notaries public take proof and acknowledgment of deeds, administer oaths, take affidavits in any matter, protest the non-payment of notes and perform other duties as required by statute. They are paid fees.

(j) Judge of Probate.—The judge of probate must reside within the county for which he is elected, but he is in no sense a county officer. He exercises a state power. The probate court has no regular terms, but is always deemed open. This court has in charge the affairs of helpless people. The probate of wills is taken, estates administered, guardians to minors appointed, insane persons committed to the asylums, dependent children sent to the state public school.

(k) Drain Commissioner.—Each organized county has one drain commissioner elected by the board of supervisors for a term of two years. It is the duty of the commissioner to locate, construct and maintain drains and water courses which may be cleaned out, straightened, widened, deepened and extended wherever the public welfare or health may require. The cost of such work shall be assessed by the commissioner upon the property benefited. The commissioner receives three dollars per day for each day actually spent in the duties of his office.

(l) Superintendents of the Poor.—There are three superintendents of the poor in each county elected by the board of supervisors, one each year, for a term of three years. The superintendents have charge of all the poor in their county. Their duty includes the care of the county

poor house, over which they appoint a keeper. The house is erected by the board of supervisors. A supervisor may grant temporary relief in cases of immediate need, but such amount shall not exceed twenty dollars in any one year. Compensation of the superintendents is fixed by the board of supervisors, but it shall not be less than one dollar and fifty cents per day and actual and necessary expenses.

(m) County School Examiners.—Two examiners elected by the board of supervisors, one each year, for a term of two years, with the school commissioner, constitute the county board of school examiners. The minimum qualifications for examiner are a second grade certificate and nine months' experience in teaching, or have the qualifications for commissioner, except the experience in teaching. The board of examiners hold examinations for the licensing of teachers in the public schools. In case of vacancy, the judge of probate with the two remaining members of the board elect. The compensation is four dollars per day for each day employed.

(n) School Commissioner.—The commissioner is the general executive educational officer in the county. He is required to have taught at least twelve months and hold a first grade certificate in the county in which he is elected, or hold a state teachers' certificate, or be a graduate of the literary department of some reputable college, university or state normal school having a course of at least three years. He is a member of the board of examiners and as such examines and licenses teachers. He visits the schools of the county and advises and assists the teachers and school officers in securing the best results. He conducts the state eighth grade examinations and examines candidates for admission to the Agricultural College. He receives the institute fees and is local conductor of the teachers' institute. The salary depends on the number of schools in the county and is fixed by the board of supervisors and ranges from

$100.00 to $1,500.00. In case of a vacancy, a meeting of the chairmen of the township boards of school inspectors is called by the county clerk, who meet within ten days and appoint a qualified person to fill the unexpired term.

Suggestions and Material.

Use the map of Michigan. A county atlas and history will be found useful. One can usually be found upon inquiry. County maps are frequently issued by business firms for advertising purposes. Get one.

Obtain copies of an old deed and an old mortgage. Legal blanks of all kinds can be purchased at stationery stores, newspaper offices and other places. These should be secured whenever they can be used for illustration.

Make a roster of the county officers and their residences.

Questions on the Text.

What is an organized county?

What limit is placed on the size of counties?

How is the county seat located and changed?

What was the first county in Michigan?

What public buildings are located at the county seat?

Name the county officers and give the term of each.

Which of the officers are required to reside at the county seat?

What county offices may be united?

Are they so united in your county?

What officers are elected by the board of supervisors?

What are the duties of sheriff?

What limitations on the sheriff's term of office?

How is the sheriff paid?

Who succeeds the sheriff in case of vacancy?

What are the duties of county clerk?

What are included under vital statistics?
What are the duties of treasurer?
What limitations on the time he can serve?
What are the duties of the register of deeds?
How is he paid? Who pays for recording?
What are the duties of prosecuting attorney?
What are the duties of surveyor? How is he paid?
How many coroners and how compensated?
Give the manner of conducting a coroner's inquest.
Who may act for a coroner?
How many circuit court commissioners?
Who can serve?
What are their functions?
What are notaries public and what are their duties?
Give the general duties of judge of probate.
How is the drain commissioner chosen, and what are his duties?
How many superintendents of the poor and what are their duties?
What are the qualifications for school examiner?
How many are there and what are their duties?
What are the qualifications for county school commissioner?
What are his duties and how is he paid?

Home Study Questions.

How many counties in Michigan?
When was your county organized?
How many townships in your county?
Do all counties have the same number of townships?
Bound your county.
Has the county seat ever been changed?
What is the origin of the word "county"?

What is the origin of the name of your county?

Find the origin of other county names, if possible.

What is the fee system? What can be said of it?

Who would succeed the sheriff in case he was arrested for a crime or misdemeanor?

How are county prisoners cared for?

What evils may grow out of the care of prisoners in that way?

What is a felony? What is a breach of the peace?

What is the value of vital statistics?

What is the origin of the office of coroner?

How many notaries public are there in a county?

What offices may women hold?

What is the meaning of the word "probate"?

What benefits have come to the state from the work of the drain commissioner?

CHAPTER XII.

CIRCUIT COURT.

Districts.—The circuit court is not strictly a county court, although it is held in the court house at the county seat of each county in the state.

The state is divided into thirty-eight judicial districts numbered consecutively. Each circuit is presided over by one judge, with the exception of the third, Wayne county, which has six judges, and the tenth, Saginaw county, the seventeenth, Kent county, and the thirty-first, St. Clair county, which have two judges each. It is the duty of the judge of the seventh circuit, Genesee county, to assist the judge of the thirtieth circuit, Ingham county. In this circuit, court is held at Lansing alternate session with Mason, the county seat.

Terms of Court.—It is required that two or more terms of the circuit court shall be held in each county in the circuit. In counties containing seven thousand and upwards inhabitants, there shall be three terms and in counties having ten thousand and upwards four terms annually. The time of holding court is fixed by each judge on or before November first for the two following years. Special terms may be ordered by a circuit judge if deemed necessary.

Officers.—The county clerk is ex-officio clerk of the court. He keeps a record of the proceedings and is custodian of all the files, books and papers belonging to the court. The sheriff or one of his deputies opens and closes the sessions and carries out the orders of the court.

The stenographer takes full stenographic notes of the

testimony and charge to the jury. The stenographer is appointed by the governor upon the recommendation of the judge. He receives an annual salary and for transcripts of the record eight cents per folio. In circuits composed of more than one county the salary is apportioned to each on the basis of the number of suits commenced in the preceding year.

Jurisdiction.—The circuit court is the highest court of general original jurisdiction in the state. It has original and exclusive jurisdiction of all civil actions and remedies of whatever manner or description and of all prosecutions for crimes, misdemeanors and offenses, except in cases when jurisdiction shall be given to some other court, and his appellate jurisdiction as provided by law. (See also Section 8, Article VI, of the Constitution.)

Return and Summoning of Jurors.—The supervisor and township clerk and the supervisor or assessor and alderman of each ward in the city shall, at the time for the review of the assessment roll each year, make a list of persons to serve as jurors for the ensuing year. The persons so selected shall be assessed for taxes and shall not be exempt from serving. They shall be in the possession of their natural faculties, not infirm or decrepid, of good character, of approved integrity, of sound judgment, well informed and conversant with the English language. No person who has made application or for whom application has been made can be returned as juror. The list shall contain one name for every one hundred inhabitants. Duplicate lists shall be sent to the county clerk and the township clerk or assessor of the ward.

At least fourteen days before the opening of court the county clerk shall summon the sheriff and two justices to witness and assist in drawing a jury by whom the names of twenty-four persons and any additional number, not ex-

ceeding twenty-four, that may be ordered by the court, shall be drawn.

The drawing is conducted by the clerk by whom the names returned to him have been written upon separate slips of paper alike in size and appearance, those from each township or ward being placed in separate packages and numbered. The names from the first package are placed in a box and the slips mixed and one drawn out and handed to one of the officers, who makes a record of the name and residence. The remaining slips are removed from the box and those in the second package placed in the box and a name drawn. In similar manner the drawing proceeds until the required number is drawn. The clerk keeps a record of the package from which the last name was drawn and begins with the next in numerical order at the succeeding drawing.

The list is then signed by the clerk and attending officers and filed in the clerk's office and a certified copy given the sheriff. The sheriff summons the jury panel by giving personal notice to each one or by leaving a written notice at his residence at least six days before the setting of court and returns the list to the court at the opening. A juror neglecting to attend without a reasonable excuse is liable to a fine of not exceeding twenty dollars a day.

Among those exempt from jury service are all United States officers, most state and county officers, judicial officers, attorneys, officers of the university and of colleges and academies, settled ministers, firemen and all persons over sixty years of age. The court may excuse a juror because of any of the above provisions or when it appears that a juror drawn is a practicing physician or surgeon, that he is a teacher in any school or when the public interests or his individual interests will be injured or that his own health or that of any member of his family requires his absence.

In the upper peninsula the county clerk, judge of pro-

bate, sheriff and treasurer of each county selects the names of persons to serve as jurors. This board meets in May each year at the court house and selects from the poll lists of each township and ward names of suitable persons. It is not required that they be taxpayers or that their names appear on the assessment roll. The list is filed with the county clerk and arranged by townships and wards for drawing as in the lower peninsula. In Saginaw, Wayne, Macomb and St. Clair counties jurors are selected by boards of jury commissioners. The board for each county was organized under different legislative acts which should be consulted by those interested in the details for those counties.

The Calendar.—Previous to each term the clerk prepares a calendar of cases for the term arranged, as follows: (1) Criminal cases. (2) Jury civil cases. (3) Non-jury civil cases. (4) Issues of law. (5) Chancery cases. These are printed and distributed among the members of the bar of the county. Blank spaces are provided in which may be written the date of the trial, disposition of the case or other memoranda.

Suggestions and Material.

Use the Michigan Manual for map of judicial circuits; also, the same for name of court and other information. See "Judicial System of Michigan" for historical sketch.

Secure a copy of a circuit court calendar.

Questions on the Text.

What is the circuit court?

How many judicial circuits are there in the state?

Which circuits have more than one judge? Why?

What arrangements prevail in Ingham county?

When is court held on each circuit? How determined?

Name the officers of the court.
What is the jurisdiction of the circuit court?
Who are eligible to serve on a jury?
By whom is the list of names prepared?
Where is the jury drawn?
How many names are drawn?
Who conducts the drawing?
Explain the manner of the drawing.
Where and by whom are the jurors summoned?
Who are exempt from jury service?
How are the lists of names prepared in the upper peninsula?
What is the calendar?

Home Study Questions.

In which circuit do you live?
Who is your circuit judge?
What territory is comprised in your district?
How many terms of court in your county?
How many names on the jury panel in your county?
What are talesmen?
What is meant by original jurisdiction? Illustrate.
What is meant by appellate jurisdiction? Illustrate.
What is a criminal case? A civil case? Explain.
What is meant by the bar?

CHAPTER XI.

BOARD OF SUPERVISORS.

Meetings.—The board of supervisors constitutes the legislative department of the county, but has some executive functions. It exercises only such powers as are conferred by law. The annual meeting is held on the second Monday of October in each year at the court house. Special sessions may be held at the request of one-third of the supervisors and are so held in many counties regularly in January for approving of county officers' bonds and transacting other necessary business.

Organization.—The annual meeting is called to order by the county clerk. Following roll call, a temporary chairman is appointed, and then the permanent chairman is elected, who holds his office for one year. The county clerk is *ex-officio* the clerk of the board. The business of the session is largely conducted through standing committees appointed by the chairman at the opening of the session.

A majority constitutes a quorum to do business, and all questions are decided by a majority of members present, except upon the adoption of any resolution or allowance of claims, a majority of the members elect shall be necessary. All sessions are open to the public.

Number.—There is one supervisor from each township and each ward of a city. In some cities an alderman acts as the representative of his ward on the board. City assessors in cities having this separate office are members of the board, as are mayors of cities and presidents of villages *ex-officio* by charter provision or special legislative enactment.

Powers of Boards.—To purchase real estate and erect necessary buildings for court houses, poor houses, jails and offices, and to keep the same in repair. To borrow money[1] or raise by tax any sum necessary for above purpose. To fix compensation of county officers' services when not fixed by statute.[2] To adjust all claims against the county. To divide county into representative districts when a county is entitled to more than one. To elect school examiners, superintendents of the poor and county drain commissioner. To divide or alter in its bounds any township or erect new townships. To equalize the valuation of the several townships and wards, determine the amount of the county tax and apportion the state and county tax in the township and wards. The proceedings are published either in county newspapers or in pamphlet form.

Compensation.—Each member of the board receives three dollars per day for services and expenses in attending the sessions of the board, and six cents a mile traveling expenses for each mile traveled in going to or returning from the place of meeting. Compensation is limited to twelve days for a regular session and six days for a special, and there shall not be to exceed two special sessions in any official year. Upper peninsula supervisors may draw extra per diem when it is necessary for them to leave home the day before the meeting and cannot get home until the day following. In several counties certain committee work is allowed extra compensation by special act of the legislature.

Board of Auditors.—Owing to the amount of business in counties having large cities and the consequent inability of the board of supervisors to accomplish the work within the limits of its session as well as the long delay of many claims incident to the infrequent meetings of the board,

[1]A board of supervisors cannot raise more than $1,000 annually for building purposes without a vote of the electors.
[2]Clerk, treasurer, school commissioner.

there have been established county boards of auditors. The boards of supervisors in these counties retain their duties in connection with taxation, but the others are mainly relegated to the board of auditors. The board in Wayne county is composed of three persons, one elected each year, for a term of three years, and two shall be residents of Detroit. The salary is fixed by the judges of the circuit court and shall not exceed three thousand five hundred dollars per annum. The auditor whose term soonest expires is president of the board and a clerk is elected. Regular sessions are held at least twice each week. The principal duties are to adjust all claims against the county, to examine the books of county officers, to report to board of supervisors amount necessary to be raised by taxation, to negotiate bond sales for the county, to appoint many subordinate officers, to determine number of assistants in county offices, to procure all books, blanks and supplies for county offices and to procure plans and specifications and supervise the erection of any county buildings except such as the superintendents of the poor may construct.

Suggestions and Material.

The proceedings of the board are published either in newspapers or in pamphlet form. Copies of these should be secured and studied. These proceedings not only furnish data for the study of the work of the board but also the foundation for the work on taxation.

Questions on the Text.

What is the legislative department of the county?
When does the board of supervisors meet?
How is the board organized?
How is its business conducted?
Who compose the board of supervisors?

What are the powers and duties of the board?
What compensation do members receive?
What is the board of auditors?
What duties does it perform?
What counties have such board?

Home Study Questions.

How many members of the board in your county?
How is the number distributed?
What are standing committees?
What is a quorum? A majority?
What are some of the claims against the county?
Would a supervisor living at the county seat receive mileage?
How may a county have a board of auditors?
What are the advantages of such a board?

CHAPTER XIII.

MISCELLANEOUS COUNTY AFFAIRS.

Marriage Licenses.—Marriage licenses are obtained of the county clerk of the county in which either the man or woman resides, upon the payment of a fee of seventy-five cents.[1] In case both parties are non-resident the license is obtained in the county where the ceremony is to be performed. Affidavit as to name, age, residence and other necessary facts must be made before the license is granted. Each party must be eighteen years of age, but a woman may marry between sixteen and eighteen with the parents' or guardian's written consent. The marriage ceremony may be performed by any justice of the peace or ordained minister.

Hunting Licenses.—It is unlawful for any person to hunt for a kill deer without a license. Any person who has been a resident at least six months may obtain a license upon making affidavit to certain facts and paying a fee of seventy-five cents. Non-residents of the state may procure a license in any county in which they propose to hunt, making affidavit as in the case of residents and paying a fee of twenty-five dollars. All licenses are furnished by the secretary of state. Twenty-five cents of each fee is retained by the county clerk, twenty-five cents retained by the county treasurer, who places it in the general fund, the balance is sent to the state treasurer as is all moneys received from non-residents, less the clerk's fee of twenty-five cents. In both cases the money is paid out for the administration of game laws. All money

[1]This fee includes twenty-five cents for the affidavit. The affidavit may be made before a notary or justice for twenty-five cents, in which case the clerk's *fee is fifty* cents.

remaining in the county treasurer's hands at the close of the year is paid to the state treasurer.

Each license permits the killing of three deer. Transportation companies are forbidden to carry any deer or part of a deer without a coupon attached, which coupons accompany the license. Heavy penalties are provided for the violations of any of the provisions of the law.

Abstracts.—In purchasing real estate or taking a mortgage upon it one should always have the title examined. The books of the register of deeds contain a complete history of the titles to all the land of the county. If an examination were to be made by an inexperienced person, however, it would require much time, and there would be little certainty as to its accuracy. In nearly every county therefore, there is a set of abstract books which contain an index and an abbreviated history or abstract of the title of each parcel of land. These books are usually owned by some individual or company and in the older counties are very valuable property. Any person can purchase an abstract from these firms at a comparatively small amount. In some counties there are more than one set or parts of sets of abstracts.

Jails.—The county jail is used for the detention of persons charged with offenses or for the confinement of persons sentenced upon conviction of an offense. The jail is in the care of the sheriff who is responsible for the care and safekeeping of the inmates. All charges incident to furnishing and maintaining the jail and caring for the prisoners are paid from the county treasury, after being allowed by the board of supervisors. The sheriff's residence is adjacent to or in the jail building. The food for prisoners is supposed to be wholesome and of sufficient quantity and is provided by the sheriff at the expense of the county, an allowance being made of so much per day for each person. Prisoners detained for trial may have other food at their own expense,

Each jail is inspected in the months of February and September by a board of inspectors, consisting of the judge of probate, who is chairman, county agent of the state board of corrections and charities, and the county superintendents of the poor. Duplicate reports are made out as to the conditions of the jail and the inmates, and such recommendations made as may seem necessary to comply with the law or for any other reason. One report is filed with the board of supervisors, the other with the state board of corrections and charities.

Liquor Licenses and Bonds.—The manufacture and sale of spirituous and intoxicating liquors of all kinds is subject to taxation as follows: Selling spirituous and malt or brewed or fermented liquors, five hundred dollars per annum; selling only brewed or malt liquors at wholesale or retail or at wholesale and retail, five hundred dollars per annum; selling spirituous liquors at wholesale, five hundred dollars, or at wholesale and retail, eight hundred dollars; manufacturing brewed or malt liquors for sale, sixty-five dollars per annum; manufacturing for sale spirituous liquors, eight hundred dollars per annum. The tax is payable to the county treasurer May first of each year. In addition to the receipt the treasurer issues a notice, a red card-board, 22 by 28 inches, which is to be posted in a conspicuous place where the sale for which the license was issued is carried out. All blanks necessary are furnished to the county treasurers by the auditor general. One-half the money, less 1%, paid to the treasurer, is returned to the township, village, or city from which it was received, and one-half placed in the general fund of the county. The treasurer retains one per cent. of all money received by him. In the upper peninsula the whole amount, less the one per cent., is paid over to the township, village or city.

Every person engaged in selling spirituous, malt, brewed,

fermented, or vinous liquors, except druggists, shall each year give a bond to the county treasurer, the sufficiency of which is determined by the township board or village or city council, in the sum of not less than three nor more than six thousand dollars, with two or more sufficient sureties.

A druggist may sell liquors for medicinal, chemical, scientific, mechanical, and sacramental purposes only, without the payment of any tax, but must give bonds in the same manner and form as liquor dealers, in the sum of two thousand dollars. A druggist must not give or sell liquors as a beverage to any person under any circumstances. A druggist is required to keep a record of every sale of liquor, to whom sold, amount, kind, and purpose for which intended.

Local Option Liquor Law.—The manufacture and sale of liquor and the keeping of any saloon for that purpose may be prohibited within the limits of any county upon vote of the people. Upon written application and petition of not less than one-fourth the qualified electors of a county addressed to the board of supervisors and filed with the county clerk, he shall lay the petition before the board at a regular session, or shall call a special session. Previous to this call, the petition and the signature shall be posted by townships and wards in three conspicuous places in each, to determine the validity of the signatures. The board of supervisors, after satisfying itself as to the legality and authenticity of the petition, shall order an election to ascertain the will of the electors. The election shall be held on a Monday not less than forty nor more than sixty days from the date of the order and not on the day of any other general election. If, when the vote is canvassed by the board of supervisors, it shall be found in the affirmative, the board shall pass a resolution of prohibition, which shall take effect on the first day of May next following and shall not be subject to repeal within two years.

Care of the Poor.—The poor of the state and all persons who are disabled or enfeebled so as to be unable to maintain themselves, are maintained and supported under two systems, the township and the county. The system under which a county shall maintain its poor is determined by the board of supervisors.

In counties where the distinction is made a person must acquire a residence in the township, that is, he must have been a resident of a township one year, before he can receive aid. If he has not such residence he shall be supported by the county. The supervisor in the township and overseers of the poor in either, have charge of the work pertaining to relief and maintenance of the poor. Under this system the support of persons committed to the county poor house is charged to the respective townships and cities and collected as other contingent expenses. Each supervisor makes a report of his work to the township board on the Tuesday next preceding the annual township meeting. The supervisor presents to the township meeting an estimate of the amount necessary to provide for the support of the poor, and the amount is voted and assessed upon the township.

Under the county system the duties of the county superintendents of the poor are greatly enlarged and are made to include the general superintendence of all the poor who may be in their county; to have charge of the county poor house and farm; to provide for the government and good order of the poor house; to employ keepers and all necessary officers; to purchase furniture implements, provisions, and materials for the maintenance of the poor and their employment and labor, and to sell and dispose of the products of such labor; to render a detailed account to the board of supervisors. Persons are taken to the poor house when it appears to the supervisor or a county superintendent that they need permanent relief or support. They may be dis-

charged when it is evident that they are able to maintain themselves. Provision is made for the education of all children residing at poor houses in the institution or nearby.

Soldiers' Relief Commission.—The board of supervisors are authorized by law to levy a tax not exceeding one-tenth of one mill on each dollar, for the purpose of creating a fund for the relief of honorably discharged indigent union soldiers, sailors and marines, their wives, widows and minor children. The judge of probate appoints a commission of three persons, at least two of whom shall be honorably discharged union soldiers, sailors or marines for a term of three years each. The supervisor of each township and ward prepares a list of persons entitled to relief for the use of the commission which determines the amount of aid to be given. The supervisors and aldermen may draw on the fund in emergencies without consulting the commission for a sum not to exceed ten dollars, which action shall be ratified by the commission. Reasonable compensation is to be fixed and paid by the boards of supervisors to the commission.

Board of County Canvassers.—At the annual meeting of the board of supervisors in each even year there shall be elected three[1] electors, who, with the county clerk, who has no vote, constitute a board of county canvassers, to hold office for two years. The board convenes on the first Tuesday after the first Monday following each general election. The board elects its own chairman and fills vacancies by reason of absence or disability. The county clerk is clerk of the board. A canvass is made of all officers voted for, certified statements made and the results declared. In case any candidate wishes to contest the election, he may petition the probate judge to have the ballot boxes, or such

[1]In Wayne county the board consists of five members: Probate judge, county treasurer, two senior members of board of auditors, and one citizen elector chosen by the board of supervisors.

ones as he may specify, opened and the ballots recounted. The recount shall be made by a board of three persons to be selected, one by the candidate petitioning, one by the candidate opposed, and one by the judge of probate.

Suggestions and Material.

Obtain blank marriage licenses and hunting licenses. Interesting material will be found printed on them.

A study of the liquor laws and their enforcement may be made. The conditions of the county jail and poor farm may be looked up. In some counties these buildings are not all that could be desired.

Questions on the Text.

Who may obtain a marriage license?

Where are they obtained and what is the cost?

Who may marry?

Who can perform the marriage ceremony?

What is the cost of a deer license to a resident? A non-resident?

What use is made of the license fees?

What is an abstract?

Why is it desirable to get one? Is it necessary?

From whom are abstracts obtained?

Who has charge of the county jail?

What provision is made for the inspection of jails?

How much is a liquor license?

When and where are they secured?

What becomes of the license money?

What restrictions on druggists in selling liquor?

What is the local option law?

How can it be secured for a county?

What two systems of caring for the poor in Michigan?

What is the soldiers' relief commission? Who appoints?
What funds have they to use?
Who is entitled to aid?
Who compose the board of county canvassers?
When do they meet and what are their duties?

Home Study Questions.

What persons are forbidden to marry?
What is a marriage certificate?
Why are hunting licenses necessary?
What are game laws?
What is meant by "open season"?
What game is protected besides deer?
In the case of a transfer of real estate, who usually secures the abstract?
What is the charge for an abstract?
What food is furnished prisoners in jails?
How much is the sheriff allowed a day for boarding prisoners?
Have we ever had prohibition in this state?
What states do have prohibition laws?
What counties have local option?
Where is your county poor farm?

CHAPTER XIV.

THE STATE.

Territorial Government.—Michigan was organized as a territory by act of congress, January 11, 1805. Detroit was made the seat of government and the ordinances of 1787 and 1789 were adopted as the charter of the territory. General William Hull was appointed governor.

In 1835, a dispute arose as to the boundary line between Michigan and Ohio. It was settled by fixing the line as claimed by Ohio and giving to Michigan the extensive upper peninsula.

The First Constitution.—The first constitutional convention met at Detroit, May, 1835. An election to ratify the constitution and to elect state officers, members of the legislatures, and a representative in congress, was held on the first Monday of October. The constitution was adopted. Michigan was admitted into the Union, January 27, 1837.

The Present Constitution.—A second constitutional convention was held at Lansing in June, 1850, which submitted to the people the present constitution, which was adopted and went into effect, January 1, 1851.

A constitutional convention was held in May, 1867, but the proposed constitution was rejected by a large vote. A general revision was again proposed in 1874, but this, too, failed. Many separate amendments have been adopted, but the constitution remains substantially as adopted in 1850.

Seat of Government.—The convention of 1835 provided that the location of the capital was to remain at Detroit, where it had been during territorial times, subject to legis-

lative discretion, until 1847, when it should be permanently located. Many towns competed for the honor, and several were selected, only to be afterwards rejected. It was finally fixed on section sixteen in the township of Lansing, Ingham county. Another act created the "town of Michigan," which was changed to Lansing in 1848. A capitol building was at once erected to serve a temporary purpose, but it was made to answer until 1878, when the present magnificent building was completed.[1]

Boundaries.—The first constitution fixed no boundaries. By act of congress, 1805, establishing the territory of Michigan, the boundary was to be "a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity and thence due north to the northern boundary of the United States." In 1816 Indiana was admitted to the Union, and the southern boundary of Michigan Territory was moved north to give Indiana a port on Lake Michigan. When Michigan was admitted, the line was fixed as in the constitution, Article I.

Suggestions and Material.

The history given here is very limited, but many will find it desirable to spend more time on the subject. Indeed, a very profitable class may be organized in the subject of Michigan history, using the little book published by H. R.

[1]An act to provide for a new state capitol was approved March 31, 1871, and Governor Baldwin appointed E. O. Grosvenor, Jonesville; James Shearer, Bay City; Alexander Chapoton, Detroit, as a board of building commissioners. The design of Elijah E. Myers of Springfield, Illinois, was accepted and he was further appointed architect and general superintendent at a compensation of twenty-five thousand dollars. The contract for the construction was let to N. Osborne & Co., of Rochester and Detroit, for the sum of $1,144,057.20. The corner stone was laid October 2, 1873. The building was completed in 1878 at a total cost of $1,427,743.78, and was dedicated in January, 1879. It is situated in the center of a square tract of land containing ten acres; is 345 feet long, including porticos and steps 420 feet; 192 feet wide, including porticos and steps 274 feet, and 267 feet high. It covers one and one-sixth acres and has a walk around the outside 1,520 feet in length.

Pattengill, Lansing. This book will be found useful for reference as will the Michigan Manual. Several good histories of Michigan have been published. Schools that have access to the Michigan Pioneer Collections will find much interesting and useful material.

Questions on the Text.

When was Michigan made a territory?
When was the capitol located?
Who was the first governor?
How did Michigan gain the upper peninsula?
When was the first constitutional convention held?
When was Michigan admitted into the Union?
When was the present constitution adopted?
What other changes have been proposed?
Has the constitution ever been amended?
What about the location of the state capitol?
Tell what you can of the present capitol.
How was the boundary of the state fixed?

Home Study Questions.

By whom was Michigan settled?
When was Detroit founded? By whom?
When and under what circumstances did Michigan pass out of French control?
How long did it remain under English control?
What was the ordinance of 1787?
What were some of its provisions?
Tell the story of Hull's surrender of Detroit and Michigan.
Tell the story of Perry's victory on Lake Erie.
What was the Toledo war?

What had Lewis Cass to do with early Michigan history?

What was the "frost bitten" convention?

What was the conditiin of Lansing when it was selected as the capital?

CHAPTER XV.

LEGISLATIVE DEPARTMENT.

Section 1 (Article IV, Constitution of Michigan).— The legislative power is vested in a senate and house of representatives.

The legislative or law-making department of the state is vested in a senate and house of representatives. In the work of legislation the two houses are equal. The senate has fewer members but terms, pay, and power is the same in each house. The legislature holds biennial sessions, meeting at Lansing on the first Wednesday of January every odd year.

Opening.—Both houses meet at twelve o'clock, noon. The senate is called to order by the lieutenant governor who is *ex-officio* president of the senate and the house of representatives by the clerk of the preceding house.[1] Religious services are followed by the reading of a list of the members-elect as certified to by the secretary of state who go forward and take and subscribe to the constitutional oath of office. Each seat in the senate is assigned to a district so that each senator has his seat located for him. Seats are selected in the house by lot which is followed by the election of officers. The clerk presides until the speaker is elected. A committee is named to escort the speaker to the chair. The rules of the preceding session are usually adopted. Each house having completed its organization appoints a committee to wait upon the other to announce that it is ready for business. A joint committee then waits upon the governor to inform him that the legislature is ready to receive any communication that he may be pleased to make. At a time fixed by the governor the senate and house meet in joint convention and receive his message. The standing committees of the senate

[1]In the absence of the lieutenant governor the clerk acts, and in the absence of the clerk of the house the journal clerk of the preceding house shall act.

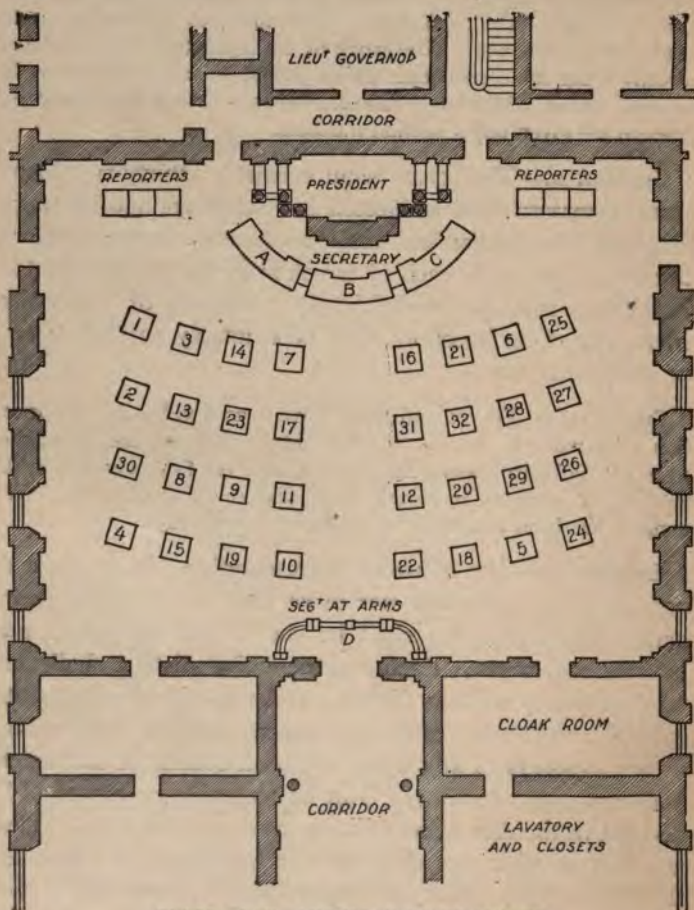
are announced by the president of the senate and those of the house by the speaker as soon as possible after the organization. At the session of 1903 the senate had fifty-nine committees and the house fifty-five. (For list see Michigan Manual for 1903, pages 85 and 97.) With the appointment of committees the legislature is ready for its real work. The work of the legislature is best studied directly from the constitution which should be taken up section by section. Some additions or differences as provided by statutes or practice are given under section numbers.

Section 2.—The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts shall be numbered from one to thirty-two inclusive, each of which shall choose one senator. No county shall be divided in the formation of senate districts, except such county shall be equitably entitled to two or more senators.

Two counties, Wayne and Kent, have been divided in the formation of senatorial districts. (For list of districts see map-plates 13 to 15 Michigan Manual for 1903.) Under the first constitution the number of senators increased from sixteen to twenty-two. The number has been constantly at thirty-two since 1850.

Section 3.—The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized or are members of any tribe, and shall consist of convenient and contiguous territory. But no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto,

shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of rep-



FLOOR PLAN—MICHIGAN STATE SENATE.

resentation. In every county entitled to more than one *representative* the board of supervisors shall assemble at

such time and place as the legislature shall prescribe and divide the same into representatives districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

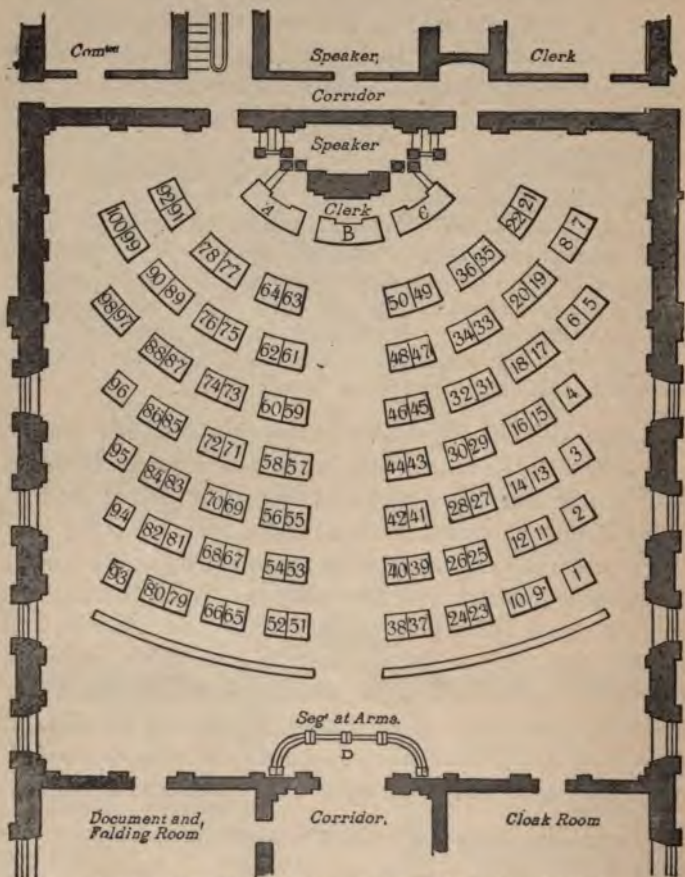
It has not been necessary to divide any township but the cities of Detroit, Grand Rapids, and Saginaw have been divided. (For list of representative districts see map-plates 16 to 19, Michigan Manual for 1903.) Under the first constitution the number of representatives increased from fifty to sixty-eight. The seventeenth legislature, the first under the constitution of 1850, had seventy-one members. By act of the legislature of 1861 the number was raised to the constitutional limit where it has since remained.

Section 4.—The legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the legislature shall rearrange the senate districts and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent who are not civilized or are members of any tribe. Each apportionment and the division into representative districts by any board of supervisors shall remain unaltered until the return of another enumeration.

The population of the state under each census is shown in appendix B.

Section 5.—Senators and representatives shall be citizens of the United States and qualified electors in the respective counties and districts which they represent. A removal from

their respective counties or districts shall be deemed a vacation of their office.



FLOOR PLAN—MICHIGAN HOUSE OF REPRESENTATIVES.

Section 6.—No person holding any office under the United States or any county office, except notaries public, officers of the militia and officers elected by townships, shall

be eligible to or have a seat in either house of the legislature, and all votes given for any such person shall be void.

Section 7.—Senators and representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the legislature, or for fifteen days next before the commencement and after the termination of each session. They shall not be questioned in any other place for any speech in either house.

These provisions are calculated to facilitate the attendance of members and not permit them to be harassed by civil suits or prevented from performing their public duties. This privilege is extended for fifteen days before and after the session, giving them time to reach the session and to conclude all public work after adjournment.

Section 8.—A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

A quorum is a majority of all the members elect. This requires fifty-one members in the house and seventeen in the senate. It is the duty of the sergeant-at-arms to bring in absent members when so ordered by the house or senate. Such penalties may be inflicted as each house may prescribe but is never more serious than a reprimand. A member so arrested is sometimes made the butt of good-natured ridicule and jest when brought before the bar of the house.

Section 9.—Each house shall choose its own officers, determine the rules of its proceedings and judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause, nor for any cause known to his constituents antecedent to his election; the reason for

such expulsion shall be entered upon the journal, with the names of the members voting on the question.

The word "house" is held to mean a majority of all the members belonging to each house.

Before the election of officers each party holds a caucus and the election consists practically in ratifying the action of the caucus of the majority party. The minority give their candidate a "complimentary" vote.

The officers in the senate are in addition to the president, secretary, sergeant-at-arms, proof-readers, stenographers, janitors, keepers of document, cloak and committee rooms, messengers, and committee clerks. The senate of 1903 had a total of forty-seven officers and employes.

The house officers are speaker, clerk, journal clerk, bill clerk, reading clerk, financial clerk, sergeant-at-arms, and minor officials the same as the senate, a total in 1903 of fifty-five.

Under the provisions of this section disputed or "contested elections" are settled. A rule of the senate requires that notice shall be given within three days after the senate convenes.

Notice is usually given when the members are sworn in. A committee appointed to investigate takes testimony, visits the district from which the contest comes, and listens to counsel for the contestants. While the contest is pending neither contestant is entitled to vote and only the one given the seat is permitted to draw per diem, mileage or other allowance. The findings of each house are final and not subject to review by any court.

No senator and but one representative has been expelled. A representative was expelled during the session of 1887 for bribery.

Section 10.—Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason of his dissent entered on the journal.

The proceedings are published daily, each house separately, in magazine form under the titles of "Journal of the Senate" and "Journal of the House of Representatives." These may usually be obtained by persons interested by applying to a member of either house.

Section 11.—In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the senate shall be taken by yeas and nays, and published with the journal of its proceedings.

Section 12.—The doors of each house shall be open unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

The consideration of nominations by the governor is in secret "executive session." All persons are excluded except the senators, secretaries and sergeant-at-arms. The proceedings are kept in a separate journal and published at the end of the session unless otherwise ordered.

Section 13.—Bills may originate in either house of the legislature.

Section 14.—Every bill and concurrent resolution, except of adjournment, passed by the legislature, shall be presented to the governor before it becomes a law. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration if two-thirds of the members elected agree to pass the bill, it shall be sent, with the objections, to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against

this bill shall be entered on the journals of each house respectively. If any bill be not returned by the governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law, in like manner as if he had signed it, unless the legislature, by their adjournment, prevent its return, in which case it shall not become a law. The governor may approve, sign and file in the office of the secretary of state, within five days after the adjournment of the legislature, any act passed during the last five days of the session, and the same shall become a law.

The detailed methods by which a bill becomes a law includes several steps not in this section but provided for under the statute or by the "rules" of the senate or house.

A bill may be introduced by any member at any time after the organization is completed and within fifty days, the time limit fixed by the constitution. Bills affecting corporations, city, village or general, have usually under the rules required one or more days' notice. The form is "Mr. ——— gave notice that at some future day he would ask leave to introduce a bill to," [illegible] the time of the introduction the journal record is, "Mr. [illegible] previous notice having been given, introduced house (or sena[illegible] No. —— entitled a bill to," etc. When a bill is introduced it [illegible]ead a first and second time by its title and referred to one of the standing committees. A very large number of bills never pass beyond this step. Consideration of a bill by a committee is usually given at the request of the member introducing the bill. Important measures are sometimes given public hearing by the committee in charge, when the friends and the opponents of the bill are heard. Under the head of "reports of standing committees" committee reports recommend that bills do or do not pass but may be simply without recommendation. If the report is adverse the bill is subject to the order of the house and is usually tabled. If the report is favorable the bill is ordered printed, referred to the committee of the whole, and placed on the general order after concurrence in amendments, if any were made by the committee.

When "general orders of the day" is announced a motion is made *that the* house resolve into a committee of the whole. The speaker

or president appoints a chairman for the committee and leaves the chair. Bills are taken up in the order in which they have been reported from committees. The proceedings are quite informal. No record is kept, and there is no limit on debate. Bills are read and considered a section at a time. If the committee desires to continue consideration of a bill at another time a motion is made "that the committee rise, report progress and ask leave to sit again." If all the business has been disposed of or the committee wishes to defer further consideration of pending business, the motion is made "that the committee rise." The president or speaker resumes the chair and calls the house to order. The committee may report a bill back to the house with the recommendation that it be laid on the table; recommitted to a committee; indefinitely postponed; made a special order; put upon its immediate passage or otherwise disposed of. The chairman makes his report and the house acts upon the recommendations. The bills reported favorably are then placed on the order of third reading.

Under this order bills and joint resolutions are taken up in order. The number and title of the bill are announced and the bill is read in full. Further debate is now in order. It will be noted that this is the third time the measure may have been under discussion, first in the standing committee, second in committee of the whole, and now finally on third reading. A rule of the senate requires that no amendment can be made at this point unless seconded by a majority of the senate and a house rule requires a vote of two-thirds of the members elect. Debate having been finally concluded, the presiding officer says "The question is now on the passage of the bill. All who are in favor of its passage will, as your names are called, say 'Aye;' those who are opposed will say 'No.'" The secretary (or clerk) will then call the roll. Each member responds with his vote as his name is called after which the result is announced. If a majority have voted in the affirmative, the presiding officer says "a majority of all the members-elect having voted therefor, the bill is passed. The question is now on the title. The title will be agreed to unless there be objections." If amendments are made they must be made now. If a bill is given immediate effect a motion is so made. The bill is then transmitted to the other house, when the same course of procedure is followed. The bill then goes to the governor for his approval. An illustration taken from the proceedings of the legislature of 1903 will further show the workings of the legislative process.

A bill entitled, "a bill to make an appropriation for marking by monument in memory of the seven hundred Michigan soldiers who died at Andersonville, Georgia, during the civil war, and providing for the erection of the same" was introduced by Hon. Lawton T. Hemans of Ingham, January 8, 1903. After having been read twice by title it was referred to the committee on military affairs and was designated house bill No. 2. January 29th it was reported out (amended). Amendments concurred in and bill referred to committee on ways and means (all bills involving expenditure of money must go to this committee.) The ways and means committee on February 24th reported a substitute which was concurred in, ordered printed, and referred to the committee of the whole. It then received a second number, "file No. 66." It passed after amending in committee of the whole March 17th, and was passed to the order of third reading. The next day, March 18th, it was read a third time and passed and was transmitted to the senate. The message of transmittal was received by the senate March 19th and the bill referred to the committee on military affairs. Reported out March 26th and referred to committee on finance and appropriations. Reported out April 1st and placed on the general order. April 8th, it was passed in committee of the whole also third reading, passed and returned to the house. Was received by the house and referred to the committee for printing and presented to Governor Bliss. It was then designated house enrolled Act No. 184. April 17th, the governor approved the bill and it became a law.

Section 15.—The compensation of the members of the legislature shall be three dollars per day for actual attendance and when absent on account of sickness, but the legislature may allow extra compensation to the members from the territory of the upper peninsula, not exceeding two dollars per day during the session. When convened in extra session their compensation shall be three dollars a day for the first twenty days and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually traveled, in going to and returning from the place of meeting, on the usually traveled

route, and for stationery and newspapers not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he was a member, but shall not receive, at the expense of the state, books, newspapers or other perquisites of office not expressly authorized by this constitution.

The constitution provides for compensation but the custom is slightly at variance with this. An allowance of three dollars a day is made from the first day of the session to day of adjournment including Sundays, recesses and all adjournments; ten cents a mile going to and returning from capital once and five dollars for stationery. When a member serves upon a legislative committee that takes him from Lansing, it is the custom to allow three dollars per day additional in lieu of expenses and three cents per mile for travel in lower peninsula and four cents in upper peninsula

Section 16.—The legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the legislature, but not on any sent or mailed by them.

The state pays no postage for any of the members for anything sent out by individual members. If matter is sent out under some action of the house or senate, postage is paid by the state as an incidental expense. No postage is paid on matter received.

Section 17.—The president of the senate and the speaker of the house of representatives shall be entitled to the same per diem compensation and mileage as members of the legislature, and no more.

Section 18.—No person elected a member of the legislature shall receive any civil appointment within this state, or to the senate of the United States, from the governor, the governor and senate, from the legislature, or any other state authority, during the term for which he is elected. All such appointments and all votes given for any person so

elected for any such office or appointment shall be void. No member of the legislature shall be interested, directly or indirectly, in any contract with the state or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

The purpose of this provision is to prevent officers from using their official positions in the creation of offices for themselves or for the appointment of themselves to place.

Section 19.—Every bill and joint resolution shall be read three times in each house before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by ayes and nays and entered on the journal.

The first and second readings may be by title only and this is the actual practice.

Section 20.—No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the legislature shall otherwise direct, by a two-thirds vote of the members elected to each house.

These restrictions are to prevent corruption in legislation and the insertion by shrewd management of clauses in bills of which the titles gave no intimation and thus securing their passage through legislative bodies whose members were not generally aware of their intent and effect. The "ninety-day clause" was to give the people time and opportunity to learn what the provisions of the law were before they went into effect. The "immediate effect clause" is no part of the bill itself but is added by the enrolling clerk.

Section 21.—The legislature shall not grant nor authorize extra compensation to any public officer, agent or contractor, after the service has been rendered or the contract *entered into.*

Section 22.—The legislature shall provide by law that the furnishing of fuel and stationery for the use of the state, the printing and binding the laws and journals, all blanks, paper and printing for the executive departments and all other printing ordered by the legislature, shall be let by contract to the lowest bidder or bidders, who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the state printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties from the performance of any of the conditions of the contract. No member of the legislature nor officer of the state shall be interested directly or indirectly in any such contract.

The printing and binding contracts are usually let to the same bidder for convenience in executing work. The "state printer" usually does the work at Lansing. The contracts for paper, pens, pencils, envelopes, ink, erasers, waste baskets, mucilage, paste, and all other office supplies are let by contract as provided but not necessarily to the same party. The secretary of state advertises for the bids which are received by the state board of auditors. The contracts are let for two years.

Section 23.—The legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways or any street in any city or village, or in any recorded town plat.

Section 24.—The legislature may authorize the employment of a chaplain for the state prison; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

Religious services are usually held at the opening of each day's session by clergymen of the capital city and others whom they may invite.

Section 25.—No law shall be revised, altered or amended by reference to its title only; but the act revised and the section or sections of the act altered or amended shall be re-enacted and published at length.

This prohibition is to prevent the insertion of certain words or the substitution of one phrase for another in an act or section referred to, but not published, in terms so blind, that people may be deceived in regard to meaning, from the difficulty in making examination and comparison.

Section 26.—Divorces shall not be granted by the legislature.

In England divorces may be granted by parliament and in some states the legislature has such authority.

Section 27.—The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

Section 28.—No new bill shall be introduced into either house of the legislature after the first fifty days of the session shall have expired.

This is to prevent hasty and lightly considered legislation and to give the people of the state or of any locality opportunity to be heard upon proposed legislation affecting their interests. This is an amendment passed in 1860. As at first adopted the constitution prohibited the introduction "during the last three days of the session without the unanimous consent of the house in which it originates."

Usually a large number of bills are introduced by title only prior to the fifty day limit; then if a member wishes to get some legislation upon a certain subject and has not introduced any bill upon that subject, he looks through the "skeleton bills" or titles introduced by other members and if he finds one that pertains to the same general subject, he attaches his bill to that title and has it passed, and then the title is amended to conform to the body of

the bill. Another way in which the letter of this section is evaded is by having the skeleton bill referred to one of the standing committees, then have the committee report out the bill which the member desires passed as a substitute for the skeleton bill and have the substitute concurred in and passed and the title amended to conform to the body of the bill. The substitute should be along the same general line as is referred to in the title.

Section 29.—In case of a contested election, the person only shall receive from the state per diem compensation and mileage who is declared to be entitled to a seat by the house in which the contest takes place.

It is provided in Section 9 that each house shall be the "judge of the qualifications, elections and returns of its members." When therefore, any candidate for a seat in either house of the legislature is denied a certificate of election he may bring a "contested election" case. Notice is given by the contestant setting forth the grounds of such contest and a committee is appointed to investigate. The committee may take testimony and will usually visit the district from which the contest comes. The report of the committee is very likely to be adopted which action is final. The winner only is entitled to compensation, but it is a custom to vote the loser expense money.

Section 30.—No collector, holder nor disburser of public moneys shall have a seat in the legislature, or be eligible to any office of trust or profit under this state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

Section 31.—The legislature shall not audit nor allow any private claim or account.

Section 32.—The legislature, on the day of final adjournment, shall adjourn at twelve o'clock at noon.

The day of final adjournment is fixed by joint resolution, sometime in advance of the close of the session. The actual work usually ceases a few days before the date fixed and it frequently happens that but one or two members beside the presiding officer will be present at 12 o'clock at final adjournment.

Section 33.—The legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January in every second year thereafter, and at no other place or time unless as provided in the constitution of the state, and shall adjourn without day at such time as the legislature shall fix by concurrent resolution.

This action stands as amended in 1860. As originally adopted it provided for the first meeting under the new constitution on the first Wednesday of January, 1851. This being obsolete, was dropped.

Section 34.—The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

Section 35.—The legislature shall not establish a state paper. Every newspaper in the state which shall publish all the general laws of any session within forty days of their passage shall be entitled to receive a sum not exceeding fifteen dollars therefor.

In the early history of the state the amount of legislation was so small that the newspapers of the state could afford to print the laws for the constitutional amount, fifteen dollars. Of late, the amount has been so great that the papers have discontinued the printing except for special sessions, the law permitting them to collect for a special the same as for a regular session. This provision, however, was eliminated by a vote at the general election in 1902 and the statutory provision was repealed by the legislature of 1903.

Section 36.—The legislature shall provide for the speedy publication of all statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

The compiled laws of 1897 is the latest compilation of all the laws of the state. This compilation consists of four volumes and twenty thousand sets were published. These were distributed to certain county, township, city, and village officers, as provided by law, also to all newpapers, and to ex-members of the legislature, upon request. The public acts of each session of the legislature are printed after the close of the session and are distributed in the same way. The compiled laws of 1897 sell at six dollars per set, and the public acts at seventy-five cents each.

Section 37.—The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this constitution.

Section 38.—The legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

The object of this provision was to secure to local municipalities the power of self government in matters of purely local concern. The nature and extent to which the legislature may confer this legislative power upon municipalities within their territorial limits is entirely within the discretion of the legislature.

Section 39.—The legislature shall pass no law to prevent any person from worshiping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect, or support any place of religious worship, or to pay tithes, taxes, or other rates for the support of any minister of the gospel or teacher of religion.

The substance of this section is embodied in the first clause of the first amendment to the United States constitution, which was proposed at the first session of the first congress. This does not include the right to the individual to interfere by his actions with his neighbor or violate peace and good order, under the claim that it is a part of his religious system. See also, sections 41 and 42 which are also a part of the amendment referred to.

Section 40.—No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary, nor shall property belonging to the state be appropriated for any such purposes.

While this is a wise provision, consideration for the public benefit which such organizations bestow is shown by exempting houses of religious worship from taxation.

Section 41.—The legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

Section 42.—No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right.

The law favors the freedom of the press so long as it does not interfere with private reputation or other rights entitled to protection. The public are interested in knowing the truth in so far as it may be told and newpapers should not be subjected to unreasonable restrictions. The law makes no distinction between the newspaper publisher and any private person who may abuse his right to publish his sentiments on any subject and upon any occasion.

Section 43.—The legislature shall pass no bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

A bill of attainder is an act forfeiting property to the state or working corruption of blood of one who has been convicted of a high crime, especially treason. Corruption of blood made one legally incapable of receiving or transmitting an inheritance. Such laws while once common in England have been abolished there and are forbidden by both the United States and the state constitutions.

An *ex post facto* law is one that makes an act a crime that was not a crime at the time it was committed or makes an act punish-

able in a manner different from that at the time it was committed. If a game law should go into effect September first no action could be taken against violation of its provisions on August 31st. If a capital punishment law for the crime of murder be passed in Michigan, such punishment could not be inflicted for any crime committed before the law went into effect. This refers only to criminal cases.

The obligation of a contract consists in its binding force on the parties who make it. Any law which denies or obstructs the rights under a contract is a violation of this prohibition.

Section 44.—The privilege of the writ of *habeas corpus* remains and shall not be suspended by the legislature, except in case of rebellion or invasion the public safety require it.

A writ of *habeas corpus* is a writ granted by a court ordering that any person who is being held shall be brought before the court and inquiries made into the cause of such detention. If it is found that the person is unlawfully held, release is ordered. Persons are sometimes held under the charge of insanity, children are taken by one of the parents against the wishes and rights of the other, or persons are held unlawfully charged, perhaps, with crime. This writ is the legal remedy in such cases.

Section 45.—The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

Section 46.—The legislature may authorize a trial by a jury of a less number than twelve men.

Section 47.—

(The legislature shall not pass any act authorizing the grant of license for the sale of ardent spirits or other intoxicating liquors.)

This section was stricken out by amendment proposed by joint resolution November 21, legislature of 1875 and approved by the people at the November election of 1876.

Section 48.—The style of the laws shall be, "The People of the State of Michigan enact."

This is called the enacting clause.

Section 49.—The legislature may provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties and townships, and may authorize counties to take charge and control of any highways within their limits for such purposes; and may modify, change or abolish the powers and duties of township commissioners and overseers of highways. But the tax raised in any one year shall not exceed two dollars upon each thousand dollars valuation, according to the assessment roll of the county for the preceding year. The legislature may also prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts, and may provide for one or more county road commissioners, to be elected by the people, or appointed, with such powers and duties as may be prescribed by law.

No county shall incur any indebtedness for any purposes in excess of three per cent of the valuation, according to the last assessment roll, and no such indebtedness beyond one-half of one per cent of such valuation shall be incurred, unless authorized by a majority of the electors of said county voting thereon: *Provided,* That any county road system provided by law shall not go into operation in any county until the electors of said county, by a majority vote, have declared in favor of adopting the county road system.

This section was added by amendment proposed by joint resolution number 11 of 1893, and ratified at the election of 1893. This is calculated to do away with the "road-districts" and "work-out-the-tax" system and substitutes a cash tax system in its place. This will correct many abuses and secure better roads.

Suggestions and Material.

No questions on the text are submitted on this chapter, it being suggested that in this and the two succeeding chapters the study be made on the constitution directly, and the questions will grow naturally out of such work and depend on the method of treatment.

When the legislature is in session schools may have the Legislative Journal sent to them. These should be kept on file for use in the year when no session is held.

Several chapters in the Manual will be found helpful, including the rules of the senate and house and legislative decisions.

The member from your district will gladly send you copies of bills and other material upon request.

Home Study Questions.

What are the three departments of government and the function of each?

What are the advantages of two houses of the legislature?

In what senatorial district do you live? Who is your senator?

What territory is comprised in your senatorial district?

In what represenative district do you live? Who is your representative?

What territory is comprised in your representative district?

What is the meaning of per diem? Mileage? Yeas and nays? *Viva voce?*

What is the wisdom of reading a bill three times?

What is a legislative "junket?"

Explain the phrase "abide by caucus decision."

Give an illustration of a law that could be given immediate effect without any harm being done. One that should not be given immediate effect.

What is a skeleton bill?

CHAPTER XVI.

EXECUTIVE DEPARTMENT.

Section 1.—(Article V, Constitution of Michigan).— The executive power is vested in a governor who shall hold his office for two years. A lieutenant governor shall be chosen for the same term.

The governor is the chief executive of the state. He is elected at the general election each even year and serves for two years. He receives a salary of $4,000.00 per year. There is no official residence at the capital and the governor does not usually take up his residence there, although all official business is transacted from Lansing.[1]

The lieutenant governor is elected at the same time and for the same term as the governor. The qualifications are the same. Except when acting as governor the lieutenant's duty is to preside over the senate when it is in session. His compensation is the same as a senator when acting as president of the senate. See section 17.

Section 2.—No person shall be eligible to the office of governor or lieutenant governor, who has not been five years a citizen of the United States and a resident of this state two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

These are the only officers for which qualifications in excess of those for an elector are required.

Section 3.—The governor and lieutenant governor shall be elected at the times and places of choosing the members of the legislature. The persons having the highest number

[1]*For list of governors,* see Michigan Manual for 1903, page 146.

of votes for governor or lieutenant governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for governor or lieutenant governor, the legislature shall, by joint vote, choose one of such persons.

The legislature has never been called upon to decide a gubernatorial election.

Section 4.—The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repel invasions.

For description of the military and naval forces, see chapter on that subject.

Section 5.—He shall transact all necessary business with officers of government, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

Over fifty reports are required by law to be transmitted to the governor.

Section 6.—He shall take care that the laws be faithfully executed.

The governor has the same relation to the state as the sheriff to the county, mayor to the city, or the president of a village to that corporation.

Section 7.—He may convene the legislature on extraordinary occasions.

There have been fourteen special sessions during the history of the state. Four were called by Hazen S. Pingree, three each by Henry P. Baldwin and Austin Blair and one each by Edwin B. Winans, David H. Jerome, John J. Bagley, Kingsley S. Bingham. For list with dates and duration, see appendix A.

Section 8.—He shall give to the legislature, and at the close of his official term, to the next legislature, information by message of the condition of the state, and recommend such measures to them as he shall deem expedient.

Section 9.—He may convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

It has never been necessary to convene the legislature elsewhere than at the seat of government.

Section 10.—He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

Section 11.—He may grant reprieves, commutations and pardons after convictions, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature at each session information of each case of reprieve, commutation or pardon granted, and the reasons therefor.

The pardoning power is vested exclusively in the governor, except that in a case of treason the legislature may pardon or commute the sentence. It is not a privilege but a duty lodged in the governor, not for the convict only but for the general welfare. Executive clemency is a matter of discretion subject as all official acts to the remedy by impeachment in case of flagrant abuse. While the legislature has nothing to do with the pardoning power, it may provide by law how applications may be made and require a report of pardons granted.

Section 12.—In case of the impeachment of the governor,

his removal from office, death, inability, resignation, or absence from the state the powers and duties of the office shall devolve upon the lieutenant governor, for the residue of the term, or until the disability ceases. When the governor shall be out of the state in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military forces of the state.

The house of representatives has the sole power of impeachment and every impeachment shall be tried by the senate. When an impeachment is directed the house elects three of its own members to prepare articles of impeachment and to prosecute the same. Each senator takes an oath or affirmation to truly and impartially try and determine the case. A majority of the members of the house is required to direct an impeachment and two-thirds of the members elected in the senate to convict. Every officer impeached may be suspended by the governor and a provisional appointment made.

After the hour of final adjournment the senate organizes into a court. The lieutenant-governor presides except when the governor or lieutenant-governor is impeached when the chief justice presides. The person accused is allowed counsel and is entitled to process for compelling the attendance of witnesses and the production of papers and records as may be required. The trial is conducted like a criminal trial. The members of the court including the house managers receive five dollars a day and two cents mileage. The compensation of the employees and officers of the court is fixed by the court.

Section 13.—During a vacancy in the office of governor, if the lieutenant governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent from the state, the president *pro tempore* of the senate shall act as governor until the vacancy be filled or the disability cease.

Section 14.—The lieutenant governor shall, by virtue of his office, be president of the senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

This is the only duty the lieutenant governor has while the governor is acting. He does not vote except in case of tie.

Section 15.—No member of congress, nor any person holding office under the United States, or this state, shall execute the office of governor.

William Woodbridge resigned February 23, 1841, to accept a United States senatorship to which he had been elected February third. Alpheus Felch resigned March 3, 1847, to accept a United States senatorship to which he had been elected February second, 1847. Robert McClelland resigned March 7, 1853, having been appointed secretary of the interior by President Pierce.

Section 16.—No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

Section 17.—The lieutenant governor and president of the senate *pro tempore,* when performing the duties of governor, shall receive the same compensation as the governor.

Section 18.—All official acts of the governor, his approval of the laws excepted, shall be authenticated by the great seal of the state, which shall be kept by the secretary of state.

Section 19.—All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the state of Michigan, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

OTHER EXECUTIVE FUNCTIONS.

Statutory Provisions.—The governor issues writs of election in case of vacancy in the legislature or lower house of congress. He may appoint in case of vacancy a United States senator to serve until the legislature convenes. He

appoints members of state boards and non-elective state officers, by and with the advice and consent of the senate. He may fill vacancies in state offices and remove public officers for cause or upon proper investigation and proofs of misconduct or incompetency.

State Boards.—The governor is *ex officio* a member of the state board of corrections and charities, boards of control of the Industrial School for Boys, Industrial Home for Girls, State Prisons at Jackson, Marquette and Ionia, board of managers of Michigan Soldiers' Home, board of agriculture, board of food examiners, boards of control state swamp lands, St. Mary's Falls ship canal, and the Portage Lake and Lake Superior ship canal, board of geological survey and board of control of railroads.

Requisitions.—When it is desired to apprehend a person charged with an offense in another state, or to secure the return of one who has escaped, a requisition is made by the governor of the state in which the act was committed upon the governor of the state in which the person then is. Application is made to the governor by the prosecuting attorney of the county in which the offense was committed. The prosecutor must certify the full name of the person for whom extradition is asked, the nature of the offense, that sufficient evidence is at hand to convict, and that the ends of justice demand the return. The governor upon whom the requisition is made is free to use his own judgment in granting or denying the request.

Substantially the same proceedings are required to obtain from Michigan a person desired in another state. The surrender of persons who have fled to a foreign country are much the same, but are made through the federal authorities.

Executive Office.—The private secretary to the governor is in charge of the executive office, and has charge of the correspondence and clerical work except such as requires

the personal attention of the governor. The executive clerk assists in the work of the office, and is secretary of the advisory board of pardons.

Home Study Questions.

Who was the "boy governor?"

Has any governor ever served more than two terms?

Is the office of lieutenant governor a stepping stone to the governorship?

In case of the death of the governor, who would succeed him?

Under similar circumstances, who would succeed the lieutenant governor?

Compare the offices of governor and lieutenant governor.

Compare the offices of lieutenant governor, as president of the senate, with the speaker of the house.

CHAPTER XVII.

JUDICIAL DEPARTMENT.

Section 1.—(Article VI, Constitution of Michigan).— The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.

The judicial power is that department of government which hears and determines controversies between parties and expounds the law and legislative enactments. The whole judicial power of the state is vested in the courts and officers named with the exception of those relating to circuit court commissioners and courts of conciliation as mentioned in sections sixteen and twenty-three. Certain municipal courts have been organized which will be spoken of under that head.

Section 2.—For the term of six years and thereafter, until the legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers prescribed in this constitution to consist of one chief justice and three associate justices, to be chosen by the electors of the state. Such supreme court, when so organized, shall not be changed or discontinued by the legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. The term of office shall be eight years.

The supreme court organization was continued according to the provisions of the constitution, until 1857, when the legislature organized a supreme court consisting of a chief justice and three associate justices. The number was increased to five in 1887 and the term increased to ten years. The legislature of 1903 reorganized the supreme court by increasing the number of judges to eight and reducing the term to eight years, two going out of office each two years. They receive a salary of $7,000.00, and reside at Lansing while in office. The duties of chief justice devolve upon one of the two judges whose term soonest expires. The one having served the longer is chief justice the first year. If both have served the same length of time the senior justice (in years) acts as chief the first year.

Section 3.—The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, *habeas corpus, mandamus, quo warranto, procedendo,* and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

A writ of error is a process issued by a court of review to the inferior court suggesting that error has been committed and requiring the record to be sent up for examination. (Cent. Dict.)

Habeas Corpus is a writ issued by a judge or court requiring the body of a person to be brought before the judge or before the court that the lawfulness of the restraint may be investigated and determined. (Cent. Dict.)

Mandamus is a writ issuing from a superior court directed to an inferior court, an officer, a corporation or other body requiring the person or persons addressed to do some act therein specified as being within their office or duty as to admit or restore a person to an office or franchise or to deliver a paper or affix a seal to a paper, etc. (Cent. Dict.)

Quo Warranto is a writ calling upon a person or body of persons to show by what warrant they exercise a public office, privilege, franchise or liberty. (Cent. Dict.)

Procedendo is a writ which issues when an action is removed from an nferior to a superior jurisdiction by *habeas corpus, certiorari* or writ of privilege and it does not appear to such superior court that the suggestion upon which the cause has been removed *is sufficiently proved;* in which case the superior court by this writ *remits the cause to* the court from whence it came commanding

the inferior court to *proceed* to the final hearing and determination of the same. (Bouvier's Law Dict.)

Appellate jurisdiction is that which a superior court has to rehear causes which have been tried in inferior courts.

Section 4.—Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

Four terms of the supreme court are held annually commencing Tuesday after the first Monday of January, April, June and October at the supreme court room at the capitol in Lansing. The court may hold special or adjourned sessions.

The officers of the court are clerk, reporter and crier. The clerk keeps accurate minutes of the proceedings of the court and has the custody of all the records, seals, books and papers belonging to the court. The reporter prepares all decisions of the court and publishes them as frequently as is necessary. The state librarian is authorized to sell the reports or exchange them for reports from other states or law books as the chief justice may direct. The crier has charge of the court room and all rooms in the capitol assigned to the justices and performs other duties and labor as directed by the court.

Section 5.—The supreme court shall, by general rules, establish, modify, and amend the practice in such court and in the circuit courts, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

The justice administered by the courts of law is limited by the principles of law which are to a great extent positive and inflexible. The courts of equity do that equitable justice between parties which the case demands. Master in chancery had much the same duties as our present circuit court commissioners.

Section 6.—The state shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for a term of six

years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of St. Clair is or may be situated. And the circuit judge or judges of such circuits in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county. And the board of supervisors of each county in the upper peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors.

This section as amended shall take effect from the time of its adoption.

In the third judicial circuit (Detroit) there are six judges and two each in the tenth (Saginaw), the seventeenth (Grand Rapids), and the thirty-first (Port Huron). Each circuit must include at least one county and there can be but one court in a county except as provided by constitutional amendment.

Section 7.—The legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit and his term of office shall continue, as provided in this constitution for judges of the circuit court.

There were but eight circuits at first. There are now thirty-eight (See map-plates 20 and 21, Michigan Manual for 1903.) The num-

ber has increased as the population of larger circuits has increased and so added to the work of the court as to make it impossible for one man to do the work and give people a prompt hearing for their cause.

Section 8.—The circuit court shall have original jurisdiction in all matters civil and criminal not excepted in this constitution, and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of *habeas corpus, mandamus,* injunction, *quo warranto, certiorari,* and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

The circuit court is the highest court of general original jurisdiction in the state. Original jurisdiction is that bestowed upon a court in the first instance.

Injunction is a prohibitory writ, issued by the authority of a court of equity to restrain one or more parties from doing or permitting others under their control to do an act which is deemed to be unjust or inequitable so far as regards the rights of some other party or parties to such suit or proceedings.

Certiorari is a writ issued by a superior to an inferior court requiring the latter to send to the former some proceeding therein pending or the records and proceedings in some cause already terminated in cases where the procedure is not according to the course of common law. (Bouvier's Law Dict.)

Section 9.—Each of the judges of the circuit courts shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the legislature or the people, shall be void.

The salary of a circuit judge is $2,500.00.

Section 10.—The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court within their respective jurisdictions may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court or circuit court shall exercise any other power or appointment to public office.

See note to section 4.

Section 11.—A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

Three terms shall be held annually in counties having 7,000 inhabitants. Each judge on or before November first appoints the time for holding the terms in his circuit two years in advance which must not be changed. Court is held in each county in the court house if there be one. In Ingham county two terms of the court are held in Lansing by special act of the legislature.

Section 12.—The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The supreme court shall have power to appoint a clerk for such supreme court.

The clerk keeps a record of the proceedings of the court which is read from day to day in open court, corrected if necessary, and signed by the judge.

Section 13.—In each of the counties organized for judi-

cial purposes there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such courts shall be prescribed by law.

The duties performed by probate judges are in no sense services performed for their respective counties and they are in no sense county officers, although they must reside within the counties for which they are elected.

Section 14.—When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

Section 15.—The supreme court, the circuit court and probate courts of each county shall be courts of record, and shall each have a common seal.

Section 16.—The legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

This section provides for the election of circuit court commissioners who are assistants to the circuit court but not independent judicial officers. Circuit court commissioners are required to be attorneys-at-law. Counties having less than twenty thousand population have one commissioner, more than that, two commissioners.

Section 17.—There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice

elected to fill a vacancy shall hold his office for the residue of the unexpired term. The legislature may increase the number of justices in cities.

The constitution does not strictly provide that there shall be four justices in townships but that there shall not be to exceed four.

Section 18.—In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the legislature.

Section 19.—Judges of the supreme court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdiction.

Section 20.—The first election of judges of circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judge at the regular elections herein provided.

The constitution removes the judiciary as far as possible from improper influences. It is the evident intent that all judges shall be elected and in every instance the term of office is longer than corresponding officers in the legislative or executive departments.

Section 21.—The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

Section 22.—Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a *justice of the* peace from the township in which he was

elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective offices.

The constitution does not prevent the election of a person as circuit judge who resides outside of the circuit, nor does it require him to reside in the circuit during his term. The constitution does not prevent a justice holding court outside of his township. In the exercise of his judicial powers he represents the state rather than the township.

Section 23.—The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

This section offers an exception to section one of this article.

Section 24.—Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

Section 25.—In all prosecutions for libels the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and facts.

In a criminal prosecution the truth alone if not published with good motive and for justifiable ends is not always a complete defense. But in civil cases it is well settled that no damages can be given for libel that contain no falsehood,—Sullings vs. Shakespeare, 46th Michigan, P. 408, 411.

The constitution in regard to criminal prosecutions for libel restricts the defense of truth to cases where the libel, even though true, is published for good motives and justifiable ends. This is only another form of saying that malicious publications are not privileged from criminal prosecution, even if true. Maclean vs. Scripps, 52nd Michigan, pages 214, 221.

Section 26.—The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

Section 27.—The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

Section 28.—In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

The justice court is not a court of record and a jury consists of six men. The accused in justice court may be tried with or without a jury, as he may elect.

Section 29.—No person after acquittal upon the merits shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

See United States constitution, amendment V.

Section 30.—Treason against the state shall consist only in levying war against or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

See United States constitution, article III, section III.

Section 31.—Excessive bail shall not be required, excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained.

See United States constitution, amendment VIII.

Section 32.—No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

See United States constitution, amendment V.

Section 33.—No person shall be imprisoned for debt arising out of, or founded on a contract, expressed or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

Section 34.—No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious relief.

See United States constitution, amendment I.

Section 35.—The style of all process shall be, "In the name of the People of the State of Michigan."

Suggestions and Material.

The judicial department is usually found the most difficult to understand, and does not seem quite so close to the pupils. Only the more general facts will be found sufficient, and such detail as may be interesting and profitable will be found under succeeding chapters on courts and other judicial matters.

CHAPTER XVIII.

COURT PROCEEDINGS.

Supreme Court.—The supreme court is the highest court in the state, and from whose decisions there is no appeal unless a point of federal law is involved. Its province is to decide questions of law, questions of fact being determined by the lower court. The supreme court makes the rules to govern its own procedure as well as rules in accordance with which the business of the circuit court must be transacted. These rules make a volume of nearly four hundred pages. The decisions of the court form a basis upon which decisions of lower courts are based.

When a case is taken to the supreme court on appeal a printed record for the use of the court containing all of the testimony and as much of the pleadings, record and proceedings as are necessary to present the questions raised must be submitted. The exact size and style of this record is prescribed by a rule of the court. In unimportant cases the decision of the court will be made upon the records submitted, in more important cases oral arguments may be made by the attorneys. A calendar or list of cases is prepared for each term of court and cases are taken up in their order.

Circuit Court.—(a) Opening of Court.—At the direction of the judge the sheriff opens court following a rap of the gavel with the formula, "hear ye, hear ye, hear ye, the circuit court for the county of ..... is now in session."

The first day is usually consumed in a call of the calendar and in hearing motions for continuance, to strike from the

calendar or other motions. At the close of the day the calendar will be re-arranged and cases set for trial.

(b) Conduct of Trials.[1]—When a case is called the prisoner or the parties in the case, together with the prosecuting attorney or attorneys for both sides, are seated within the bar of the court.

The names of twelve jurors from the panel are read and the jurors called take seats in the jury box. Each juror is questioned by the attorneys on both sides to determine his fitness to serve on the case. Questions are asked as to his relationship to the prisoner at the bar, his acquaintanceship with him, what he may have heard or read of the case, opinions he has formed as to guilt or innocence, and as to whether he can render a fair and impartial verdict or not. In case a juror is satisfactory to both sides he is retained. If not satisfactory to either one, he may be challenged for cause or peremptorily. In civil cases each party is entitled to four peremptory challenges, in criminal cases the prosecution has four and the defendant five. In a trial for an offense for which the punishment may be death or imprisonment for life, the prosecution is entitled to fifteen peremptory challenges and the defense to thirty. Any number of challenges may be allowed for cause.

When the jury is satisfactory, the following oath is administered: "You shall, will and truly try, and true deliverance make, between the people of this state and the prisoner at the bar, whom you shall have in charge according to the evidence and the laws of this state; so help you God." Any juror shall be allowed to make affirmation, substituting the words "this you do under the pains and penalities of perjury," instead of the words "so help you God."

Before evidence is offered the prosecuting attorney makes a statement of his case and of the facts which he expects to

[1] In this topic a criminal case is kept in mind; however, a civil case is conducted in practically the same manner.

prove to the jury. This is not in the nature of an argument, but simply an explanation that the jury may understand the bearing of the testimony.

The prosecution presents its witnesses first. The following oath is administered to each by the clerk: "You do solemnly swear that the evidence you shall give relating to this issue between the people of this state and the prisoner at the bar, shall be the truth, the whole truth and nothing but the truth, so held you God." The oath in civil cases is: "You do solemnly swear that the evidence you shall give relating to this issue between A..... B....., plaintiff, and C..... D....., defendant, shall be the truth, the whole truth and nothing but the truth, so help you God."

Following the direct examination by the prosecutor the attorney for the defense conducts the cross examination. After all the witnesses for the prosecution have been sworn, the attorney for the defense makes his opening to the jury, and follows with the witnesses for the defense, which are in turn cross examined by the prosecuting attorney. If an improper question is asked, the opposing counsel may object and take an exception on the ground that the question is "leading," or that it calls for an opinion not a fact or that it is "incompetent, immaterial or irrelevant," or for other reasons. These exceptions form the basis for a request for a new trial in case either party so desires. After the evidence is in, each side is entitled to address the jury, the prosecution or plaintiff being allowed to open and close the argument. In these arguments the evidence is reviewed supporting the theory of the case, and reference made to the weakness of the evidence of the opposite side and discrepancies pointed out. The character of the clients and the witnesses may be spoken of favorably or disparagingly.

The charge of the judge to the jury closes the case. The jury is the sole judge of the facts. It is the function of the

charge to inform the jury what the law is upon a given question of fact, leaving the jury to determine whether the fact exists. The charge should not show any leaning or partiality in favor of either party. An officer is then sworn and the jury sent to its room under his care. When alone the jury proceed to elect a foreman. A ballot is taken which, if unanimous, leaves nothing further for them to do. If the ballot shows division, discussion may occur. Sometimes a verdict is rendered in a very few minutes and sometimes days are consumed in secret deliberation. When a verdict is reached or it is the unanimous judgment of the jury that they cannot agree, they communicate through the officer in charge to the judge their desire to return to the court room. The foreman then announces the verdict "guilty" or "not guilty" or "agreed to disagree." The verdict must be unanimous. If the verdict is "not guilty" the prisoner is immediately discharged, if guilty the prisoner is sentenced or remanded to jail to await sentence, or pending a motion for a new trial or an appeal. If the jury disagrees the prisoner stands in the eyes of the law exactly as if there had been no trial.

Justice Court.—(a) Jurisdiction.—A justice of the peace has jurisdiction in all civil actions in which the debt or damages do not exceed one hundred dollars and concurrent jurisdiction wherein the amount does not exceed three hundred dollars. In criminal matters the statutes fix the jurisdiction in different lines, but in general it is limited to those offenses punishable by fine not exceeding one hundred dollars or by imprisonmnet in the county jail not exceeding three months, or by both fine and imprisonment.

(b) Striking a Jury.—In case a jury is not demanded by either party, the justice may hear the proofs and determine the cause as it may appear.

Upon demand the justice directs a constable to write down

a list of eighteen persons qualified to serve as jurors. From this list each party may strike off six names. The constable then by the authority of the justice summons the six persons whose names appear on the list to appear for the trial of the parties named. If any fail to appear or if there be legal objections to any, talesmen are summoned to supply the deficiency. In this court the jury is judge of the law and the facts.

(c) Conduct of the Case.—The conduct of a case in justice court does not differ materially from that in circuit court. In a civil case, the justice issues a summons upon the statement of the party bringing the suit, in which a constable is ordered to summon a certain party to appear in court on a certain day. If a jury is demanded it is drawn. The witnesses for the complainant are first sworn, then those for the defendant. The attorneys for each side then address the jury. The verdict of the jury is "for the plaintiff" or "for the defendant," and also names the damages to which the winning side may be entitled. The finding of the jury is then entered upon the docket by the justice as the judgment of the court. If either party be dissatisfied with the judgment, he may appeal the case to the circuit court.

In a criminal case a complaint is made out and sworn to alleging that a crime has been committed, specifying the time and place. A warrant is issued by the justice. Armed with the warrant an officer finds the accused and takes him into custody. The prisoner will be entitled to bail or upon failure to furnish will be committed to jail. At as early a date as convenient the accused will be arraigned before the justice, the complaint will be read, and the prisoner will plead "guilty" or "not guilty" or stand "mute;" in the latter case a plea of "not guilty" will be entered for him. The conduct of the trial is not particularly different from that of a civil case. The complaint is always drawn in the name

of "The People of the State of Michigan" and the prosecution is conducted by the prosecuting attorney or an assistant.

When a plea of "guilty" is made or a verdict of guilty has been rendered by the jury the prisoner is ordered to stand and is given an opportunity to say why the sentence should not be pronounced, after which the sentence is given by the justice. As in a civil case an appeal may be taken to circuit court.

Circuit Court Commissioners.—In each organized county there is one, and in each county having more than twenty thousand population, two circuit court commissioners. These officers may perform all the acts and duties which a circuit judge may perform out of court. They have no regular place for conducting their work, but may appoint hearings at any point in the county that may be convenient. The jurisdiction of these officers includes three kinds of duties, viz.; ministerial, quasi-judicial, and judicial. Under the first head a circuit court commissioner performs all acts referred to him by a superior court, also performs such specific duties as are required by statute, such as to make sales under a decree of foreclosure, to compute amount due on mortgages, and to take testimony or deposition of witnesses. Under the second head he acts in matters referred to him to investigate by examination of witnesses or otherwise, and to report his opinion thereon such as, to take testimony on a bill of divorce, not contested. In all such matters the commissioner's judgment is not absolute and may be disregarded by the court to whom the report is made. In the third case he acts in a judicial manner in summary proceedings to recover land and premises by landlords against their tenants. His judgment can be reviewed only on appeal or writ of *certiorari*. The circuit court commissioners' court is not a court of record.

Courts of Chancery.—Courts may be divided into courts

of law and courts of equity. The administration of courts of law is limited by the principles of common law which are usually fixed and inflexible. The judgment of these courts cannot always be adapted to the peculiar exigencies in particular cases. It is not uncommon also for cases to fail in those courts from the fact that too few or too many persons have been joined as parties or because the pleadings have not been framed with sufficient technical precision.

Courts of equity require that all persons having interests shall be made parties, and the pleadings are framed so as to present to the court the whole case. Its final processes enable the court to "command what is right and prohibit what is wrong."

Separate courts of chancery were abolished in 1847. Under the present law the several circuit courts of the state are courts of chancery for their respective counties, the powers of which are exercised by the circuit judges under the name, "The Circuit Court for the County of ....., in Chancery." The clerks of the circuit court are *ex officio* registers in chancery, and the sheriff of the county the officer of the court. Courts of chancery are equity courts.

The terms of the circuit court are the terms of the courts in chancery, but as many adjourned and special sessions may be held as the business of the court may require. The chancery cases are not taken up until the issues of fact upon the calendar are disposed of. The judgments of the court are called decrees.

Equity cases are very numerous, but among the more common ones may be mentioned those arising from fraud, mistake or accident, when the legal remedy is inadequate; those where the parties do not stand on equal ground, as parent and child, guardian and ward, attorney and client, principal and agent and others; those in which there are considerations of public policy, as divorce proceedings, con-

tracts in restraint of trade, agreements founded on corrupt considerations, usury and gaming; parties who are incapable of caring for their own rights as infants, idiots and lunatics are under the special care of the court.

Court of Mediation and Arbitration.—(a) Nature.—This court was created by the legislature of 1889, "to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees." Whenever any such grievance or dipute shall arise it is lawful to submit it in writing to a court of arbitrators for hearing and settlement.

(b) The Court.—The court is composed of three judges appointed by the governor for a term of three years. The court appoints its clerk. Any two of the arbitrators constitute a quorum. Each arbitrator receives five dollars a day for actual service and the clerk, who is to be one of their own number, receives twelve hundred dollars a year, but no per diem.

(c) Procedure.—Whenever any grievance or dispute between any employer and his employees is brought to the attention of the court, the court will go to the place of the dispute and make a careful investigation into the cause or causes and may take testimony under oath. Both parties to the controversy submit their cases in writing and promise to continue in business or at work without a lock-out or strike until the court renders its decision, providing that it is made within ten days after the completion of the investigation. The decision is rendered by the board, or a majority, and made out in triplicate, one being filed with the county clerk where the dispute occurs and one filed with each of the parties.

Whenever a lock-out or a strike occurs, or is threatened in any part of the state and it comes to the attention of this court, it proceeds as soon as practicable to the locality of the

disturbance and endeavor by mediation to affect an amicable settlement of the controversy.

Grand Jury.—Grand juries are not summoned in this state except at the discretion of the circuit judge. Not less than fifteen nor more than twenty-three jurors are drawn in the same manner as regular jurors for circuit court. The proceedings are secret. The jury elects of its own number a foreman and clerk. The examination of witnesses is conducted by the prosecuting attorney. The findings of the grand jury are called indictments and subjects those against whom the indictments are found to arrest and trial. At least twelve must vote for the indictment.

Suggestions and Material.

In county seat towns an arrangement should be made with the presiding judge to have the class attend court. A time can easily be selected when the most good can be gotten from the proceedings. In other places it is usually possible to witness a jury trial in a justice's court, arrangements having been previously made.

A mock trial not only familiarizes those who participate in it with court proceedings, but furnishes an interesting entertainment to which friends of the school may be invited. Teachers will find it very useful.

Do not fail to have conversations with judges, justices and attorneys regarding court proceedings. Make your teaching live and practical and real.

An interesting exhibit may be made by securing the complete history of some case in justice court, and if convenient, the same after appeal to circuit court. The local justice and attorneys will gladly furnish the data. Do not omit a single step.

Questions on the Text.

What is the highest court in the state?

How is a case taken to the supreme court?

Who opens circuit court?

What is the business of the first day?

Describe the conduct of a trial in circuit court: (a) Selection of jury. (b) Swearing of jury. (c) Opening of case for prosecution. (d) Examination of witness, direct and cross examination. (e) Addresses to the jury. (f) Judge's charge. (g) Deliberations of the jury. (h) Verdict. (i) Sentence.

What is the jurisdiction of the justice court?

How is a jury selected in the justice court?

How is a trial conducted?

Give the steps in bringing a civil suit. A criminal suit.

What are the duties of circuit court commissioners?

What are courts of equity? Courts of law?

How does the practice in a court of law differ from that in a court of equity?

What is the chancery court?

What are some of the cases arising in chancery court?

What is the court of mediation and arbitration?

Who composes the court?

What is its work and how is it conducted?

Who calls a grand jury?

How is a grand jury organized and its work conducted?

What is an indictment?

Home Study Questions.

Is there a jury in the supreme court?

Name all the courts in our judicial system, and the number on the jury in each.

What is the legal standing of supreme court decisions?

What is the highest punishment for any crime in Michigan?

What is meant by "lynch law?"

Could a person act as his own attorney?

What should be the character of the judge's charge to the jury?

Must a justice of the peace be a lawyer?

Why do business men wish to avoid jury service?

What are nominal damages?

What is a "strike?" A "sympathetic strike?"

What is a "lock-out?" A "scab?"

What is the "union label?"

Tell of some recent grand juries and their work.

CHAPTER XIX.

MUNICIPAL COURTS.

Authority.—The constitution provides that "municipal courts of civil and criminal jurisdiction may be established by the legislature in cities." Under this provision there have been established "The Recorder's Court of the City of Detroit," "The Superior Court of Grand Rapids," and "Police Courts" in various cities.[1]

Recorder's Court (Detroit).—This court has original and exclusive jurisdiction of all prosecutions for crimes, misdemeanors and offenses committed within the corporate limits of the city of Detroit, except in cases cognizable by the police courts or justices of the peace of the city. It has the same power as circuit courts have within their respective jurisdictions. All offenses against acts, ordinances and regulations of the common council of the city are also tried in this court.

There are two judges serving for six years, and who receive a salary of five thousand dollars a year. The state pays them the same amount as circuit judges receive, while the balance of the five thousand dollars is paid by the city of Detroit. A clerk and two deputies are appointed by the court for a term of six years; the clerk is paid three thousand dollars a year and the deputies two thousand dollars out of the city treasury. Six terms of court are held commencing on the first Wednesday in January, March, May, July, September and November.

[1]Other cities that have municipal courts by special acts of the legislature are Kalamazoo, Saginaw, Bay City, Muskegon, Jackson, Lansing, Port Huron, Cadillac.

Violations of city ordinances are tried by the court unless there is a request for a jury. Jurors are chosen by the board of jury commissioners as for the circuit court. Appeals may be taken to the supreme court.

Superior Court (Grand Rapids).—The superior court of Grand Rapids was organized in 1875. This court has original jurisdiction, concurrent with the circuit court for Kent county, in all civil actions of a transitory nature when the debt or damage claimed is over one hundred dollars, in which one or both of the parties reside in Grand Rapids; also jurisdiction of all actions of trespass upon lands situated in Grand Rapids; of all equity suits in which both parties are residents of the city, and all foreclosure suits upon land situated in the city. It has exclusive jurisdiction of all actions of a civil nature at law or in equity which may be brought by or against the city or any of its officers, and exclusive appellate jurisdiction in all cases appealed from the police court. It also has original and exclusive jurisdiction of all prosecutions for crimes, misdemeanors and offenses committed within the corporate limits of Grand Rapids, except in cases cognizable by the police court or justices of the police of the city. This court has no jurisdiction over appeals from justices' courts.

There is one judge elected at the spring election for a term of six years and receiving a salary of twenty-five hundred dollars. The clerk of the court is elected at the spring election for a term of two years and receives a salary of twelve hundred dollars. Four terms of court are held each year at times fixed by the judge each year in the month of May.

The drawing of jurors for the superior court is similar to that of the circuit court. The supervisors and aldermen of each ward furnish lists of suitable persons to the clerk of this court. At least five days before any regular term

of court, the clerk, mayor and two justices of the peace select twenty-four names by drawing in much the same manner as is done by the county clerk and sheriff in the county.

Police Courts.—Police courts have been organized in a number of the cities of the state by local acts of the legislature. These are courts of limited jurisdiction and are not courts of record. Minor criminal matters constitute a large part of the work of the court to which may be added violations of city ordinances and matters usually coming before a justice court. The police court of Detroit is organized as follows:

There are two police justices, one elected each two years for a term of four years. A clerk and such assistants as the council may prescribe are appointed by the justice whose term of office shall first expire for a term of two years. Each justice receives a salary of four thousand dollars and the clerk eighteen hundred dollars. Members of the police force serve all papers and execute all the orders of the court.

The court has original and exclusive jurisdiction to hear all criminal cases where the crime or offense was committed within the city and which would be cognizable by a justice of the peace in any other part of the state. The police court has concurrent jurisdiction with the recorder's court to try cases arising under the ordinances of the common council relative to vagrants, drunken persons, disorderly persons, breaches of the peace and disorderly conduct.

One justice constitutes a quorum and may open and hold court. The justices may hold court separately and simultaneously. This court shall be deemed in law as always open for taking complaints, issuing warrants and admitting prisoners to bail.

When the statute prescribes imprisonment in the county jail as a punishment for any crime or misdemeanor the police court imposes imprisonment in the Detroit house of correc-

tion. Juries in the police court consist of six men. The board of jury commissioners select jurors on the third Monday of May each year. Jurors are drawn and summoned for a term of one month. Appeals may be taken to the Recorder's court.

Suggestions and Materials.

Classes in cities where municipal courts have been organized will be interested reading the special act establishing the court. The city clerk can give you the reference and any good law library will contain the session laws for the year desired.

Questions on the Text.

What is the authority for municipal courts?

What is the municipal court of Detroit? Grand Rapids?

Recorder's Court:

What is its jurisdiction? How many judges? What is their salary and term of office? When is court held? How are juries chosen?

Superior Court: (Same questions as for Recorder's Court.)

What are police courts?

What cities have police courts?

Police Court of Detroit:

How many justices? What are the terms of office and salary?

What is the jurisdiction? What are some of the cases coming in this court? How is the police court conducted? What number constitutes a jury, and how is it chosen?

CHAPTER XX.

PROBATE COURTS.

Nature of Court.—Probate courts are courts of record but are not courts of law, according to the ordinary use of the term. They derive their origin and jurisdiction from a source altogether distinct from the common law, and they exercise no functions peculiar to that system. They render no judgments—their determinations being called orders, sentences or decrees—and upon summary inquiry, with or without notice, as the case may be. The orders and decrees of these courts are subject to review only in virtue of statutory provisions and not of their inferior character, for they are not courts of inferior jurisdiction as justices and circuit courts are.

Jurisdiction.—The judge of probate has jurisdiction of all matters relating to the settlement of the estates of deceased persons and of minors and others under guardianship. Insane persons are examined and committed to the asylum and dependent children to the State Public School by this judge.

The Court.—The probate court is open at all times for the transaction of all ordinary business when notice is not required to be given. It is required that court shall be held the first Monday of each month for contested matters and on such other days as the judge may appoint. In counties of not less than twenty thousand inhabitants the board of supervisors may authorize the judge of probate to appoint a probate register to serve during the term of the judge unless sooner removed. They are competent to per-

form all acts required of the judge of probate, except judicial acts.

Wills.—Any person of full age and of sound mind may dispose of his or her real and personal estate by will. A will shall be in writing and signed by the testator and attested by two or more competent witnesses. In order to be effectual it must be approved and allowed by the probate court. Executors and administrators are appointed, hearings are given when all facts as to the will and its making are determined. The will is then executed in accordance with the orders of the judge.

Adoption of Children.—The law provides that any person or persons may adopt any minor child and change the child's name to their own family name, provided the parents of the child consent or if abandoned by one of them with the consent of the other, or if abandoned by both, then by the nearest of kin or guardian or principal officer of any asylum, hospital or home of which the child is an inmate or if the child is legally an inmate of the State Public School by the consent of the superintendent and of the county agent of the state board of charities for the county where the person adopting the child resides. In every case the child must also be consulted if above the age of ten years.

The judge of probate is required to investigate, and if he shall be satisfied of the good moral character and ability to support and educate the child, and of the suitableness of the home of the person adopting the child, he shall make an order giving the parents the custody of the child and changing its name.

Care of Insane.—When the relatives or friends of any insane person make application for his admission into an asylum the judge of probate institutes an inquest, takes proofs, and if he shall deem necessary or if the alleged

insane person shall so demand, a jury of twelve shall be summoned to determine the question of insanity. If proper and safe the alleged insane person shall have a right to be present at the hearing. The judge of probate shall appoint two reputable physicians, who shall examine the patient and certify under oath as to his condition. No person can be committed to an asylum without the physicians' certificate. If satisfactory evidence is adduced showing the person to be of unsound mind and in need of care or treatment, the judge of probate grants an order of commitment to some asylum or retreat. If the person is committed as a private patient to any one of the state asylums, the friends must enter into bonds for his support. If there is no estate nor any one to support him, he is maintained at the expense of the county if he has gained a legal settlement, otherwise at the expense of the state.

Dependent Children.—It is the duty of the judge of probate to send to the State Public School at Coldwater all children over two and under twelve years of age, who, upon careful investigation, are found to be dependent on the public for support. The child must also be sound in mind and body to be received. This institution serves as a temporary home and the children are placed in family homes as rapidly as possible to remain until they are twenty-one years of age.

Guardians and Wards.—The judge of probate may, when necessary, appoint guardians for minors and others. If the minor is under fourteen years of age, the judge nominates and appoints the guardian; if above the age of fourteen years, the minor may nominate his own guardian, who will be appointed if approved by the judge. The guardian shall have charge of the estate, and, if so ordered, have custody of the person and education of the minor until he

arrives at the age of twenty-one. Every guardian must give a bond to be fixed by the judge of probate.

Guardians may also be appointed by the judge of probate for insane persons or for persons who, by reason of extreme old age or other cause, are mentally incompetent, also for spendthrifts who, by drinking, gaming, idleness or debauchery, expose themselves or family to want or suffering, and also for any person who shall be an habitual drunkard or so addicted to the use of narcotics or noxious drugs as to need medical treatment and care.

Persons Missing.—If a person shall be missing for three months or more and has property going to waste or in danger of loss, the judge of probate may, upon the petition of the wife or next of kin or one or more of his principal creditors appoint a temporary administrator to collect and take charge of the estate until the fact of his death or survival can be established and in case of death until the will, if any can be determined, and an executor or administrator appointed.

Suggestions and Material.

There are very few communities that do not offer practical illustrations of the workings of the probate court. These cases should be considered as far as good taste, propriety and the rights and feelings of others may permit. The beneficient work of this court should be clearly seen.

Questions on the Text.

What is the nature of a probate court?
What is the jurisdiction of the probate court?
When is the court open?
What is the probate-register?
What is a will? How is it made?
What are the provisions for adopting dependent children?

How are the insane cared for by the judge of probate?
How are the interests of the insane protected?
How are they supported?
How may dependent children be cared for?
Under what circumstances are guardians appointed?
For whom may guardians be appointed?
What disposition can the judge of probate make of the property of missing persons?
Name in review the classes of persons who are protected and cared for by the probate court.

Home Study Questions.

What is the meaning of the word probate?
Does your county have a probate register?
What is meant by breaking a will?
What are executors? Administrators? Heirs?
What becomes of the property of a person who dies intestate?
What is the law of primo-geniture?
In what ways may a person's name be changed?
Why should the changing of names be carefully restricted?
What is a monomaniac? A kleptomaniac?
When is a person who is missing considered legally dead?

CHAPTER XXI.

GENERAL JUDICIAL MATTERS.

Attorneys.—Attorneys are officers of courts of justice empowered to appear and prosecute and defend. No person is permitted to practice as an attorney and counselor at law and solicitor until he is licensed to do so by the courts. Women are eligible. Graduates of the law department of the University of Michigan and those of the Detroit College of Law are admitted to practice in all the courts of the state upon the presentation of his diploma and taking the constitutional oath. A certificate of admission to the bar may be issued by the supreme court or any circuit court. Other persons may be admitted upon examination.

Law Examiners.—The state board of law examiners consists of five members appointed by the governor upon recommendation of the supreme court for a term of five years. Meetings of the board are held in April and October at Lansing.. The members receive ten dollars a day and expenses for time actually engaged. The examination fee required of the candidate is ten dollars.

Candidates shall be of full age, residents and citizens of the United States, and of good moral character. Successful applicants are granted certificates that they possess sufficient learning in the law to properly practice as an attorney. Admission to the bar is granted upon this certificate in the same manner as are graduates of law schools.

Attorneys may be removed or suspended who are "guilty of any deceit, malpractice, crime or misdemeanor." Disbarred attorneys cannot appear in any court of record.

Contempt of Court.—Every court has power to punish persons guilty of the following: Behavior or disturbance tending to interrupt the proceedings of the court or to cause loss of respect for its authority; willful disobedience of or resistance to the orders of the court; refusal of any person to be sworn as a witness or to answer proper questions; publication of a false or grossly inaccurate report. Punishment shall be by fine or imprisonment, or both, but the fine shall not exceed two hundred fifty dollars, nor the imprisonment thirty days.

Court House.—Circuit court is held at the court house, but when there is no court house, or when it is unsafe, unfit or inconvenient, the board of supervisors or the judge may appoint another place and other than the appointed time for holding court may be named for the same reasons.

Restrictions on Judges.—A judge is not permitted to sit as such in any cause to which he is a party or in which he is interested. He cannot act as attorney or counsellor in the circuit of which he has been elected judge. No judge shall have a partner practicing in the circuit of which he is judge. He shall not receive any fee or compensation for giving advice or for drafting or preparing any papers in any suit pending before him except as provided by law.

Questions on the Text.

What is an attorney?

Who may practice law?

Board of Law Examiners. Number. Appointment. Term. Meetings. Compensation.

What qualifications must candidate for examination have?

What is "contempt of court"?

Where is court held?

What prohibitions on judges? Give reasons for each.

Home Study Questions.

Is a woman eligible to the office of prosecuting attorney?

Explain the phrase "admitted to the bar."

Would an attorney from some other state be eligible to practice in Michigan?

Cite illustrations of attorneys being disbarred with reasons for same and of punishment for contempt of court with reasons.

CHAPTER XXII.[1]

EDUCATIONAL AFFAIRS.

Superintendent of Public Instruction.—The superintendent of public instruction has general supervision of the schools and educational affairs of the state. He visits the educational institutions, receives the returns of the school census and prepares statement for the distribution of primary school interest money, prepares all questions for county examinations, should meet with boards of control of state institutions that are partly educational in character, appoints institute instructors and directs the institute work, lectures on educational subjects, collects educational statistics and publishes an annual report. He is *ex-officio* secretary of the state board of education and a member of the board of geological survey.

State Board of Education.—This board consists of three members elected, one each two years, for a term of six years. The board has the direction and control of the State Normal Schools, prescribing courses of study and granting certificates to teach upon the recommendation of the faculties of the different institutions. It holds two examinations each year to examine candidates for state certificates and indorses state certificates from other states. State certificates are also granted to graduates of colleges whose course of study has been approved by the board. It examines and approves text-books in physiology. The compensation is three dollars per day for actual services with traveling and other expenses.

[1]For school district, see Chapter I; board of school inspectors, Chapter VI; county school commissioner and county board of examiners, Chapter X.

Board of Regents.—This board consists of eight members, two elected each two years, for a term of eight years. The board elects a president of the University, who is *ex-officio* president of the board with the privilege of speaking but not voting. Under the corporate title of "The Regents of the University of Michigan" they manage and control the State University at Ann Arbor.

Teachers.—Every person who teaches must secure a certificate. The sources of these are the county board of examiners, county normal training classes, city boards of education, state normal schools, state board of education, colleges and the university.

The county boards of examiners grant to persons over eighteen years of age and of good moral character three grades of certificates, third, second and first grade, valid for one, three and four years respectively. Examinations are held on the second Thursdays of March and August in all counties, and may also be held the third Thursdays of June and October. Third and second grade certificates are good only in the counties where issued, first grade certificates may become valid throughout the state by securing the indorsement of the state superintendent upon the examination and approval of the candidate's papers forwarded to him by the commissioner.

Graduates of the county normal training classes are granted certificates valid in rural schools and in grades only of graded schools. They are transferable and renewable.

Cities employing a superintendent of schools may issue certificates to persons to teach in that city upon examination conducted by a committee of the board or by the superintendent.

The state board of education grants certificates to graduates of colleges that have a satisfactory course in the theory and art of teaching. By furnishing proof of having taught

successfully for three years in the schools of this state, the certificate may become a life certificate, otherwise it is valid for four years. A life certificate may be granted at any time thereafter by filing proofs of having taught.

Upon the completion of courses in any of the state normal schools, certificates are issued, limited or unlimited in extent and duration, depending on the length and character of the courses taken.

State certificates are issued at the semi-annual examinations of the state board of education to persons who have taught at least two years and who pass the prescribed examination. State teachers' certificates and normal school diplomas from other states may be indorsed by this board.

The university issues a certificate valid in all the schools of the state to graduates of the literary department who have also a teachers' diploma for work done in the department of the science and art of teaching.

County Normal Training Classes.—The superintendent of public instruction may establish one normal training class in each county when voted by the board of supervisors and a school district. The work of the class is directed by a county normal board, consisting of the state superintendent of public instruction, the county commissioner of schools and the superintendent of schools in the district. The state pays $250.00 semi-annually for each teacher employed, but shall not exceed $1,000.00 in any one year. The balance of the expense is borne equally by the district and the county, but this shall not exceed the amount drawn from the state.

Educational Funds.—(a) University.—The congress of the United States, under date of May 20, 1826, set apart in reserve seventy-two sections of land for the use and support of the university. The act of congress admitting Michigan into the Union, appropriated this land solely to the use and

support of the university, in so far as the legislature might prescribe. Section 5, article 10, of the state constitution, which was adopted, ratified and confirmed by the act of congress, which declared Michigan to be one of the United States of America, provided that the funds accruing from the rents or sale of such lands, or from any other course for the purpose aforesaid, should be and remain a permanent fund for the support of said university. The constitution of 1850 also declared that the proceeds of such land should be a perpetual fund to be inviolably held for the purpose specified in the grant under which the said state stood seized of the land. By act of the legislature of 1837, the care and disposition of university lands were placed in the hands of the superintendent of public instruction, who was required to deposit all money remaining in his hands on account of the university fund in the deposit bank of this state, and from the money so deposited to make loans to such of the counties of this state as might apply for a portion thereof, and the balance, if there should be any after supplying the counties so applying, he was authorized to loan to individuals and bond and mortgage on unencumbered land. The interest accruing from all money derived from the sale of the university lands was required to be paid into the state treasury, and by the state treasurer to be paid over to the treasurer of the university on the warrant of the auditor general. These lands continued in charge of the superintendent of public instruction until the organization of the state land office in 1843, when the care thereof passed to the commissioners of the state land office, and the money received from the sale of land, as well as the interest accruing on part-paid certificates of sale, was paid directly into the state treasury and charged against the state treasurer on the books in the office of the auditor general. The account with the university fund was opened in 1840, but the

credits thereon, so far as they represent proceeds of the sale of university lands, were nominal until the land office was established. The trust fund ledger of the state showed a credit to the university fund, March 1, 1904, of $539,508.15. Upon this credit the state pays interest at the rate of 7 per cent. quarterly. Such interest as is received by the state from holders of part-paid certificates during any quarter is added to the interest paid by the state and paid through the university interest fund to the treasurer of the university quarterly. The university has also an appropriation from the state known as the quarter mill tax which, under the present equalization (1904) amounts to $394,525.00.

(b) State Normal College.—The State Normal School (State Normal College) was established by act of the legislature of 1849. An appropriation of fifteen sections of the salt spring lands (these lands having been previously granted to the state by act of congress), to be selected by the board of education and denominated the normal school endowment fund, was made for the purpose of paying the principal of said normal school and his assistants. A further appropriation of ten sections of salt spring lands was made for the purpose of defraying the expenses of the erection and completion of buildings for said institution. These sections were also to be selected by the board of education and to be known as the normal school building fund. The lands seem to have been selected as required by law, but the proceeds of sale of both classes were placed to the credit of the normal school endowment fund and the normal school building fund account was not opened on the books in the office of the auditor general. The legislature of 1850 amended and consolidated prior acts in the establishment of the state normal school. These acts also consolidated the two appropriations of salt spring lands, the whole to constitute the normal school endowment fund, to be and remain

a perpetual fund for the use of the said institution subject to the payment of an amount not to exceed the sum of $10,000, to be expended in the construction of the buildings then in process of erection. The act of 1850 further provided that the purchase price of such lands should be paid into the state treasury and the interest thereon computed at the rate of 6 per cent. per annum, together with all amounts paid by purchasers of said lands, should be placed to the credit of the normal school interest fund, to be drawn therefrom upon the warrant of the auditor general.

The trust fund ledger of the state shows a credit to the normal school fund, March 1, 1904, of $68,299.79. Upon this credit the state pays interest at the rate of 7 per cent. quarterly. Such interest as is received by the state from holders of part-paid certificates during any quarter is added to the interest paid by the state and paid through the normal school interest fund to the treasurer of the State Normal College quarterly. The other normal schools do not participate in the endowment fund.

(c) State Agricultural College.—The legislature of 1855 established the State Agricultural College, the site of which was to be selected within ten miles of Lansing, by the president and executive committee of the State Agricultural society, subject to the approval of the state board of education. Twenty-two sections of salt spring lands, or the money arising from the sale thereof, were appropriated for the purchase of land for such site, the erection of buildings, the purchase of furniture, apparatus, library and implements, payment of professors and teachers and such other necessary expenses to be incurred in the establishment and successful operation of said school. The legislature of 1857, by an amendment to section 2 of the act of 1855, virtually substituted a money appropriation for the land appropriated by its predecessor in that it provided that the sum should be

drawn from the state treasury on the presentation of the property certificates of the board of education to the auditor general, and on his warrant to the state treasurer, but not to exceed in the whole amount the sum of $56,320, the minimum price of said twenty-two sections, unless the whole proceeds of the sales of said sections should exceed that sum and not then to exceed the amount of such proceeds. The money appropriated by said act of 1857 was drawn from the state treasury. Congress, by act of July 2, 1862, granted to the state 240,000 acres of land (the grant was 30,000 acres for each senator and representative in congress to which the state was entitled by the apportionment under the census of 1860). The conditions of the grant were that "all moneys derived from the sale of lands by the states to which the land was apportioned * * * shall be invested in stocks of the United States or of the states or some other stocks yielding not less than five per cent. upon the par value of said stocks, and the money so invested shall continue a perpetual fund, the capital of which shall remain forever undiminished (except so far as was provided in section 5 of said act of congress), and the amount of which shall be inviolably appropriated by each state which may claim and take the benefit of this act to the endowment, support and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to the agricultural and mechanical arts."

The legislature of 1871 so amended the section of the act of 1863, which provided for the loaning of the proceeds from the sale of these lands, as to require the money received from the sale of said lands to be paid into the state treasury and the amount thereof to be placed to the credit of the agricultural college fund upon the books of the audi-

tor general, to constitute a perpetual fund, the capital of which shall remain forever undiminished and the annual interest thereon computed at the rate of 7 per cent. per annum shall be regularly applied to the support of the agricultural college. The amount to the credit of this fund, March 1, 1904, was $950,552.91. Interest at the rate of 7 per cent. upon this fund, plus accretions, together with the interest received from the holders of part-paid certificates, is paid to the treasurer of the agricultural college quarterly.

The college has also an appropriation from the state known as the one-tenth mill tax which is, however, limited to an amount not exceeding $100,000 per annum.

(d) Primary Schools.—The primary school fund is credited with the proceeds from the sale of lands granted to the state by congress for the support of primary schools. The conditions of the grant were that the income from the proceeds of sales of said lands should be applied to the support of common schools. The legislature accepted the grant subject to such conditions. The constitutional provisions and the general legislation as to the manner of disposing of this grant are in all respects similar to those already recited as attaching to the disposal of the grant for the support of the university. The amount of the primary school fund, March 1, 1904, was $4,207,598.84. Upon this sum and accretions the state pays interest at the rate of 7 per cent. per annum. The distribution of this interest, plus the money received from the holders of part-paid certificates, is made twice each year.

Auxiliary to this fund is a fund known as the primary school five per cent. fund. Section 5, of the act of 1858, to provide for the sale of swamp lands, requires that of all money theretofore or thereafter received from the sale of swamp lands, after deducting the expenses of sales, fifty per cent. shall be denominated a primary school fund the

interest upon which, at 5 per cent. per annum, shall be apportioned and distributed in like manner as the interest upon the primary school fund of this state. The amount of the primary school five per cent. fund, March 1, 1904, was $933,778.73. Upon this amount, plus accretions, the state pays interest at the rate of 5 per cent. per annum. The distribution of this interest, plus the money received from the holders of part-paid certificates, is made twice each year.

In the year 1879 the receipts from specific taxation exceeded the amount required to pay the interest demands upon the university, normal school, agricultural college and primary school funds of the state, when, by virtue of the provision of section 1, art. 14 of the state constitution, the receipts from these sources in excess of the amount necessary to meet the interest upon the several funds above enumerated, were required to be distributed to the primary schools in the same manner as the interest upon the funds which in recent years has been distributed twice in each year.

These provisions relating to the primary schools are the ones which provide the revenue for the support of such schools, excepting the one mill tax (formerly two mills) and the amount of tax voted annually by the school meetings in the several districts of the state.

See appendix D.

Suggestions and Material.

The life of John D. Pierce will be found interesting and a sketch of his life by each pupil will be a profitable exercise. Several other superintendents have contributed largely to the progress of schools and education, and their lives may well be studied also.

Samples of such certificates as can be secured may be exhibited and studied.

Announcement of your own county, or some nearby county training class, may be obtained and the character and scope of the work noted.

The history of the educational funds is a matter of some misapprehension by many, and the statements of this chapter will help to clear them up. The statements were prepared at the request of the author by one of the most experienced men in the auditor general's office, and may be considered absolutely authoritative.

Questions on the Text.

What is the chief educational officer of the state?

What are some of the duties of the office?

State Board of Education. Number. Term. Duties. Compensation.

Board of Regents. Number. Term. Duties. President of the board.

What legal qualifications must all teachers have?

From what sources are certificates obtained?

What certificates are granted by the board of examiners?

When are the examinations held?

Where and for what time is each grade of certificate good?

What are the county normal training class certificates?

Under what certificates do city teachers work?

Colleges may grant certificates to teach under what conditions?

What is the character and term of college certificates?

What are normal school certificates?

What are state certificates and by whom granted?

The university issues certificates to whom?

When are county training classes established?

By whom is the work directed?

Who pays the expenses of these classes?

Make a list of the educational funds.

Give the history of each fund and its present amount.

Home Study Questions.

Who was the first superintendent of public instruction?

What studies are required for each grade of county certificate?

What is the institute fee? How much is it?

What are teachers' institutes? Teachers' associations?

What studies are required for the examination by the state board of education?

What counties have normal training classes?

What does it cost to maintain the university for a year?

How much does the primary school interest amount to a year per capita?

CHAPTER XXIII.

LIBRARIES.

School District Library.—Any school district, by a two-thirds vote at any annual meeting, may establish a district library, and is entitled to its proportion of books and library money of the township in which it is wholly or partially located. The library shall be in charge of the district board who will make a statistical report annually to the school inspectors.

The proceeds of all criminal fines are apportioned by the county treasurer before the first day of June each year among the several townships, according to the number of children therein between the ages of five and twenty years, as shown by the statement of the superintendent of public instruction transmitted to the county clerk previous to the tenth of May each year. This money is to be exclusively applied to the support of township and district libraries and to no other purpose. The qualified voters have the power, at any annual meeting, to vote a tax for the support of the library, which is to be levied and collected the same as other district taxes.

Township Library.—The law provides that each organized township shall maintain a library. All residents of the township shall be entitled to the privileges of the library. The township board of school inspectors shall have charge of the library and shall receive from the township treasurer all money appropriated for the library and shall purchase the necessary books and supplies. The board shall provide a central or eligible place for keeping the library,

make rules and regulations for the care and management of the library and appoint a librarian for the term of one year. The township library shares in the fine money as mentioned in previous paragraph.

Free Public Libraries.—The city council of each incorporated city has the power to establish and maintain a public library and reading room, and may levy a tax of not to exceed one mill on the dollar annually on all taxable property, to be levied and collected as other city taxes and known as the "library fund." The library is free always, subject to the rules and regulations of the library board.

All matters pertaining to the library are under the direction of a board of directors of nine members appointed by the mayor, three each year, for a term of three years.

Upon petition of fifty voters any incorporated villages may vote to establish a free public library, which shall be maintained and supported the same as a city library, excepting that the board consists of six instead of nine directors.

State Library.—The state library is kept at the capitol at Lansing, and is in charge of the state librarian, who is appointed by the governor for a term of four years at a salary of twelve hundred dollars a year. The governor, the two legislative committees on the state library and the state librarian make the rules and regulations for the management of the library.

Any public, incorporated, school or college library in the state having not less than one thousand volumes, other than publications furnished by the state, may become an "associate library" and receive a certificate of association. The state librarian may lend to the associate library books, transportation to be paid by the associate library.

Libraries or communities not having libraries may borrow from the state library selections of books for a limited

time under certain rules and regulations. These are known as "traveling libraries."

Suggestions and Materials.

The library is one of the most important adjuncts of the school. A knowledge of the law regarding the different kinds should not be simply a matter of general information, but should be taken advantage of whenever the necessity exists for the securing of as large and as excellent a collection of books as possible. The library should not only serve the school but the community as well.

Send to the state librarian if you wish particulars as to the manner of establishing a library or increasing the efficiency of those already in existence or regarding associate or traveling libraries.

Questions on the Text.

How may a school district library be established?
How is it maintained and supported?
Who is charged with the care of the library?
What is the law as to township libraries?
Who has charge of this library?
How is it maintained and supported?
How may free public libraries be established and supported in cities?
How is the city library cared for?
Where is the state library and who has charge of it?
What is the management of the state library?
What are associate libraries, and how are they established?
What are traveling libraries, and how are they secured?

Home Study Questions.

Has your district a library? If not, why not?
Is it growing? If not, why not?
Has your township a library? Where is it located?
Is it well kept and freely used?
What are "Carnegie libraries"?
Name some Michigan cities that have received them.

CHAPTER XXIV.

MILITARY AFFAIRS.

Constitutional.—Article XVII, section one, provides that "The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this state." Article V, section four, provides that, "The governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections and to repeal invasions."

Classification.—The military and naval forces of the state are included under three heads, "militia," "national guard" and "naval brigade."

Militia.—The persons described in the first paragraph constitute the enrolled militia of the state, but are "not subject to military duty, except when called into the service of the state or of the United States, in case of war, rebellion, invasion, the prevention of invasion, the suppression of riots, tumults, breaches of the peace, or to aid civil officers in the execution of the law and the service of process, in which case they, or so many of them as the necessity requires, may be ordered out for actual service by draft or otherwise, as the governor may direct." When ordered out, the militia is organized by the governor as commander-in-chief into companies, regiments, brigades and divisions corresponding to the formations of the regular army.

Military Exemptions.—The state law exempts the following persons from military duty: State officers, judges, members of the legislature, officers and guards of the state

prisons and other state institutions, keepers of poor houses, firemen after seven years of service, county officers except notaries public, teachers and ministers of the gospel.

Michigan National Guard.—The Michigan national guard is composed of volunteers who are able-bodied male citizens between the ages of eighteen and forty-five. Applicants must pass a good physical examination and furnish evidence of good moral character. The guard is to be organized into not less than forty companies of infantry. The term of enlistment is three years and company officers are elected for this term.

Organization.—The Michigan national guard at present consists of three regiments of infantry of twelve companies each and one independent battalion of infantry of four companies. (See Michigan Manual for 1903, page 714.)

A company of infantry consists of captain, first and second lieutenants, first sergeant, quarter-master sergeant, four sergeants, one corporal for every seven privates, two musicians, two cooks and not less than thirty-two nor more than fifty-eight privates.

A regiment of infantry consists of colonel, lieutenant-colonel, three majors commanding battalions, surgeon, adjutant, quarter-master, commissary, assistant surgeon, chaplain, three battalion adjutants, sergeant major, quarter-master sergeant, commissary sergeant, three battalion sergeants, two color sergeants, one band and twelve companies organized into three battalions of four companies each.

Camps for Instruction.—The commander-in-chief, by and with the advice of the state military board, may establish annually a suitable camp for the instruction of the Michigan national guard lasting not to exceed ten days. The troops are inspected at this time by the inspector general or his assistants. Privates, non-commissioned officers and musicians receive not less than one dollar and twenty-

five cents per day, with seventy-five cents per day as commutation of rations. Commissioned and staff officers receive same pay as officers of same rank in United States army. Any one guilty of intoxication shall forfeit all pay for the entire time of camp duty. Privates, non-commissioned officers and musicians are furnished with uniforms at state expense by the quartermaster general.[1]

Military Department.—The executive department of the military is located at Lansing and consists of the commander-in-chief, adjutant general and assistant, inspector general and assistant, quartermaster general and assistant. These officers are appointed by the governor, the head of departments, by the approval of the senate, the assistants upon the recommendations of the chiefs.

A state military board of seven members acts as an advisory body to the commander-in-chief.

For compensation and duties of state military board and duties of the heads of the military department, see Michigan Manual under "military departemnt."

Michigan Naval Brigade.—The naval brigade constitute the naval forces of the Michigan national guard. It is organized into battalions and divisions. But one battalion of four divisions has been organized. Its headquarters are the U. S. S. Yantic, stationed at Detroit. The organization and administration of the naval brigade follows that of the United States navy.

Questions on the Text.

What is the constitutional militia?

Who is commander-in-chief?

[1]Annual encampments have been held each year since 1875, excepting in 1878, 1885, and 1899. The first three encampments were by regiments, each one at a different place, but since that time have been brigade encampments. Seven of the encampments have been at Island Lake. Other locations are, Mackinac Island, Gougac Lake, Whitmore Lake and Manistee. Two have been held outside the state. In 1881 at Yorktown (centennial) and in 1903 at West Point, Kentucky.

How are the military and naval forces classified?

Under what circumstances is the enrolled militia liable for service?

Who are exempt from military service?

What is the Michigan national guard (M. N. G.)?

How is the M. N. G. organized?

What is the composition of a company? A regiment?

What is the present organization of the M. N. G.?

What provisions are made for military instruction?

What is the organization of the state military department?

What is the Michigan naval brigade?

Home Study Questions.

What is the grand army of the republic (G. A. R.)?

What is the badge worn by its members?

What is the woman's relief corps (W. R. C.)?

When was memorial day inaugurated?

Suggest proper methods of observing the day.

What is a pension? A service pension?

What is the amount paid annually for pensions?

What is the size of the standing army of the United States (U. S. A.)?

What can you say of the United States navy?

Where are there some United States forts in Michigan?

CHAPTER XXV.

STATE DEPARTMENT—ELECTIVE OFFICERS.

Secretary of State.—The secretary of state is custodian of the state seal and of all state papers and records. The original and engrossed copies of all acts of the legislature are filed in his office and he compiles, publishes and distributes the laws, documents and reports of the different departments, institutions, officers and boards; under the direction of the governor, he issues commissions, warrants, patents and requisitions for extradition; he gives notices of elections and receives and files the returns; articles of association and reports of corporations are filed in his office; he prepares and publishes various statistics; he has charge of the state census.

The work of the department is conducted in seven divisions each under the direction of a chief: corporation, executive, compiling, building and loan, vital statistics, agricultural and shipping divisions.

(a) The Corporation Division.—This is one of the most important divisions and requires accuracy, skill and legal ability. New corporations are being constantly organized and old ones dissolving or amending their articles. All articles of association are carefully examined and filed, and a complete history of each corporation kept by means of annual reports.

(b) The Executive Division.—This division has the state seal, the constitution and all acts of the legislature. The issuing and attestation of proclamations certificates of election, commissions of appointment, warrants for extradi-

tion or requisition, pardons and paroles, are made by this division. The bonds and oaths of office of state officers, record of notaries public and justices of the peace, are kept here.

(c) The Compiling Division.—This division prepares for publication the public acts, the local acts, the official directory and legislative manual.

(d) The Building and Loan Division.—This division supervises the building and loan associations, makes an examination of the books and securities of each and requires an annual report from each which reports are compiled and published.

(e) The Vital Statistics Division.—This division keeps an accurate record of births, deaths, marriages and divorces. The Michigan Monthly Bulletin of Vital Statistics is published monthly.

(f) The Agricultural Division.—This division has charge of agricultural statistics. Farm statistics are gathered by the supervisors. Monthly crop reports are also secured through correspondents in each township. Statistics relative to the insane, deaf, dumb, blind, idiotic and epileptic are published by this division, also the reports of superintendents of the poor and sheriffs.

(g) The Shipping Division.—This division has the custody of all the publications of the department and prepares the same for shipment as required.

State Treasurer.—The state treasurer receives and has charge of all state funds, paying out the same upon the orders of the auditor general. He gives a bond for one hundred fifty thousand dollars with three or more sureties, to be approved by the auditor general and attorney-general. He is the state sealer of weights and measures. He makes an annual report to the governor of receipts and disbursements.

Auditor General.—The auditor general is the bookkeeper of the state, keeping the accounts between the state and the treasurer. He receipts for all money received and orders all money paid out. All claims against the state are examined and adjusted by him. He keeps a record of the state's indebtedness; audits the accounts of all the state institutions; approves the bonds of county treasurers.

He has general charge of the whole matter of apportionment of state taxes and collection of them, also the matters pertaining to delinquent taxes. He makes an annual report to the governor.

Commissioner of the State Land Office.—The commissioner has charge and management of all lands that the state owns or is interested in. He appoints trespass agents and prosecutes trespasses on state lands. He collects for the sale of lands and delinquent taxes on part paid lands. On his certificate the governor issues patents for state lands sold.

Attorney-General.—The attorney-general prosecutes and defends all actions in the supreme court to which the state is a party, and appears for the people in any court when requested by the legislature or any state officer in any suit in which any department of the state may be interested. He advises and consults with prosecuting attorneys and gives opinions on questions submitted to him by the legislature, state officers, boards or institutions.

Superintendent of Public Instruction.—For duties of the superintendent of public instruction, see Chapter XXII.

Salaries.[1]—Governor, $4,000.00; private secretary, $1,800.00; executive clerk, $1,500.00; lieutenant-governor, when performing the duties of governor he receives the

[1]The salaries of state elective officers are fixed by the constitution and are very low. Several attempts have been made to amend the constitution. Salaries fixed by the legislature are usually higher. The Superintendent of Public Instruction receives the lowest salary of any corresponding officer in any state in the union.

governor's salary, as presiding officer of the senate he receives $3.00 per day and ten cents mileage; secretary of state, $800.00; state treasurer, $1,000.00; auditor general, $3,000; commissioner of the land office, $800.00; attorney-general, $800.00; superintendent of public instruction, $1,000.00; each state officer has a deputy who receives $2,000.00 a year.

Questions on the Text.

Name the state elective officers and give the salary of each.

Name the seven divisions of the state department.

What is the work of each division?

What are the duties of the state treasurer? Auditor general? Commissioner of the state land office? Attorney general?

Home Study Questions.

How are the salaries of state officers fixed?

How is it that subordinate positions, such as deputies and chief clerks, receive more than the heads of the departments?

Describe the state seal.

Give the motto of the state *as it is.* Translate it.

Give the meaning of "Tuebor" and "E Pluribus Unum."

What is an engrossed copy of a law?

How often is the state census taken? When?

What is a corporation? What corporations in your locality?

What is the business of a building and loan association?

What is the meaning of vital statistics?

Explain how state funds are cared for and protected.

What is our system of weights and measures?
What is the metric system? Is it legal in this country?
Define audit and auditor.
What is the duty of a trespass agent?
Can an individual sue the state?

CHAPTER XXVI.

STATE DEPARTMENTS—APPOINTIVE OFFICERS.

The Commissioner of Insurance.—The duties of this office were, previous to 1871, conferred upon the secretary of the state. The insurance commissioner, in the case of Michigan insurance companies, sees to it that the law is complied with in the organization and by frequent examinations ascertains the financial conditions of the companies. In case of companies from other states or countries wishing to do business in Michigan, financial showing of their condition must be made and a resident attorney appointed to receive service of process before permission is granted to do business. All companies, resident and non-resident, are required to file an annual statement before their licenses are renewed. Corporate societies and fraternal beneficiary associations are also required to make report and to obtain a license to transact business in the state.

The Commissioner of Railroads.—The commissioner examines and inspects the railroad tracks, bridges and buildings in every county at least once every year to see if they are in safe condition. An annual report is required of every railroad on its conditions and traffic operations for the year. He also may order safety gates or flagmen, regulate the speed upon defective tracks, require reports of all accidents resulting in a loss of life and in general see that the laws are observed as affecting the personal convenience and safety of the people in railroad travel.

Commissioner of Labor.—The commissioner collects and publishes statistics relating to all departments of labor.

It is his duty to see that all laws are complied with as to employment of child labor and to securing healthful and safe conditions for factory and mill operators and others. Valuable information is also secured as to industrial conditions in many lines. The commissioner is assisted by a corps of factory inspectors.

Commissioner of Banking.—It is the duty of this department to supervise the business and conduct of banks and trust companies doing business in the state. Examinations are made annually, semi-annually or at the request of the board of directors as to the conditions and affairs of the banks. Examiners are employed to assist the commissioner.

Dairy and Food Commissioner.—The commissioner and his assistants make investigations into the quality of dairy, food and drink products and the constituents of food offered for sale in the state. Samples are obtained in the market in all parts of the state and analyzed. Violations of the law as to impure and adulterated food products are prosecuted.

State Librarian.—The librarian has charge of the state library and its affairs; expends the money appropriated for books; prepares catalogs; has charge of the exchange of state publications and documents with other libraries, societies and institutions; has charge of the traveling and associate library system of the state; has charge of all the collections of the state pioneer society; is at the head of the department of registration of granges and women's clubs; distributes the United States statutes to certain judicial officers; has charge of the distribution of Michigan supreme court reports. The librarian gives a bond of ten thousand dollars, also a bond of five thousand to cover the supreme court reports.

Game and Fish Warden.—This officer's duty is to enforce all laws enacted for the protection of game and fish. He may have not to exceed ten deputies to assist him, and may also appoint not to exceed three residents in each county as county game and fish wardens. He may serve papers and make arrests the same as a sheriff.

State Inspector of Illuminating Oils.—The inspector and his deputies, not to exceed twenty-two in number, are required to inspect illuminating oils and to reject all that do not answer the required test. The fee for inspection is one-fifth of a cent per gallon, to be paid by the owner.

The Commissioner of Mineral Statistics.—This officer collects, classifies and arranges specimens of copper, iron and other ores and rocks each year. These collections are at the disposal of the state board of education for distribution to the state educational institutions. He procures reports of mining operations which form the basis for computing the specific taxes by the auditor general.

The State Salt Inspector.—The law requires that all salt sold within the state or exported shall be inspected. The salt making territory is divided into districts and a deputy inspector named for each. The owners pay three mills for each two hundred eighty pounds offered for inspection. It is required that the inspector shall not be interested in the manufacture or sale of salt and maintain an office in the county that produces two hundred fifty thousand barrels or more per annum. Stringent laws are in force to protect the quality of the product, which are to be enforced by the inspector. The department is self-supporting.

Salaries.—Commissioners: Insurance, $2,000.00; railroad, $2,500.00; labor, $2,000.00; banking, $2,500.00; dairy and food, $1,200.00. Librarian, $1,500.00 game and fish

warden, $2,000.00; state inspector of oils, $1,500.00; commissioner of mineral statistics, $2,500.00 (including all expenses); state inspector of salt, $1,500.00.

Questions on the Text.

The questions on the text for this chapter are quite the same for each officer. Each paragraph contains the duty of the commissioner or other officer and little else. These are important matters, however, and it is suggested that the duties of each officer be given with much care and fullness.

Home Study Questions.

Name as many kinds of insurance as you can.

What are stock companies? Mutual companies?

Name some prominent fraternal insurance orders.

Upon what principles is stock company insurance based? Fraternal?

Show how the insurance commissioner protects the interests of nearly every family in the state.

What is a grade crossing?

What means are used to protect grade crossings?

What are some of the conditions that may make factory labor unhealthful or dangerous?

Show why bank examiners should be very careful in their work.

How is oil tested?

Who was the first state geologist?

What are the leading salt sections of the state?

CHAPTER XXVII.

STATE BOARDS—EX-OFFICIO.

State Auditors.—Secretary of state, treasurer, commissioner of the land office. It is the duty of this board to examine, adjust and settle all claims against the state and to settle with every officer and agent of the state. The board meets the last Wednesday of each month at the office of the secretary of state. This board also makes the contracts with persons or firms for fuel, stationery and printing for the state. Contracts for stationery and for state printing are let once in two years to the lowest bidder.

Equalization.—See Chapter VII. "Taxation."

Canvassers.—Secretary of state, treasurer, commissioner of the land office. The only duty this board has is to determine and certify the results of elections. The secretary of state receives and certifies the returns and calls a meeting of the board to canvass and ascertain the results of elections other than for presidential electors on or before December fifteenth after a general election and within forty days after a special election, to canvass votes for electors on Wednesday next after the third Monday of November, to canvass votes on constitutional amendment or banking law on or before twentieth of month next after election. A certified statement is filed with the secretary of state and by him published for two weeks in a Lansing newspaper.

Railroad Crossings.—Attorney-general, secretary of state, commissioner of railroads. It is the duty of this board to approve of railroad maps where the route proposes to cross

other roads. Both railroads may appear before the board ten days' notice having been given. These officers are to see that crossings are made with all the safeguards necessary for the protection of the public. The attorney-general and secretary of state receive five dollars a day when serving on this board, which sum is paid by the interested roads.

State Geological Survey.—Governor, superintendent of public instruction, president of state board of education. They shall control and supervise the continuance and completion of the geological survey of the state. They may employ assistants. It is the duty of the board to make or cause to be made a thorough geological and mineralogical survey of the state, embracing a determination of the succession and arrangement, thickness and position of all strata and rocks, their mineral character and contents and their economical uses; an investigation of soils and the determination of their agricultural adaptation; an investigation of all desposits of borax, coal, marl, clay, gypsum, lime, petroleum, and metals and metallic ores, building stone, marble, grit-stone, materials for mortar and cement, mineral paint and all other productions of the geological world within the limits of this state capable of being converted to the uses of man.

Fund Commissioners.—Governor, treasurer, auditor general. Whenever there is a surplus in the state treasury over and above all liabilities, this board may invest the same as they may find for the best interests of the state in the purchase of bonds or other liabilities of the state not yet due or, failing to purchase any such, they may purchase United States bonds.

Internal Improvement.—Treasurer, secretary of state, auditor general. The constitution (Art. XIV. 9) forbids the state's being interested in works of internal improvements, hence this board is virtually obsolete. It is interest-

ing historically calling to mind the St. Mary's Falls Ship Canal, Portage Lake and Lake Superior Ship Canal, Clinton and Kalamazoo Canal and various other projects for internal improvements of an early day.

Control of St. Mary's Falls Ship Canal and of the Portage Lake and Lake Superior Ship Canal.—Governor, auditor general, treasurer. Both of these canals have been transferred to and are operated by the United States government. This board has little left to do.

Control of State Swamp Lands.—Governor, secretary of state, auditor general, treasurer, attorney-general, commissioner of the land office. An early act of the legislature provided for the construction of state roads and ditches to drain and reclaim swamp lands. This board has supervision of the surveys and contracts for the work as done under the direction of commissioners, one of whom is appointed for each road.

Bureau of Statistics of Labor.—Commissioner of labor, deputy commissioner of labor, secretary of state. It is the duty of this bureau to collect and publish statistics of all departments of labor, including the penal institutions. These include the number, nativity, sex and the social, mental and moral conditions of the laborers; the sanitary conditions of the institutions and the subjects of corporations, strikes, trades unions, and their effects upon labor and capital.

Railroad Consolidations. — Attorney-general, commissioner of railroads, secretary of state. This board is to examine the articles of consolidation when two or more railroads propose to consolidate to ascertain whether they have complied with the constitution and laws of the state.

Review of the Assessment of Telegraph and Telephone Lines.—Auditor general, treasurer, commissioner of the land office. This board of review, during the month of

July each year, assess the telegraph and telephone lines. The board may inspect the different lines and are allowed three dollars a day when so engaged.

Questions on the Text.

The following outline is suggested to bring out the facts concerning each board. A table may be made.

Name of the board. What officers constitute. Duties of the board. When the board meets if a stated time is mentioned.

CHAPTER XXVIII.

STATE BOARDS—APPOINTIVE.

Corrections and Charities.—This board consists of four commissioners appointed one each two years for a term of eight years by the governor, who is *ex-officio* a member. The board appoints a secretary, who gives his entire time to the office, which is maintained in the capitol at Lansing. An agent of the board may be appointed by the governor in every county.

The work of the board is of great importance to the criminal and unfortunate classes. The state penal, charitable and reformatory institutions are visited annually by the board, and each jail and county poor house by one of the commissioners or by the secretary. Report is made on jails to the board of supervisors and poor houses to the superintendents of poor, stating the conditions in these institutions and recommending such changes as they deem necessary. The board examines the plans for new jails before contracts are made.

The county agent examines into the facts and circumstances attending the commission of any crime by a child under seventeen years of age; reports to the court all the facts, and also the parentage, previous habits and character of the accused and his parents, the companionships and surroundings of the child, attend the trial if one is held and counsel with the court as to the disposition of the case. The county agents also seek suitable homes for children arrested for offenses or committed to any state institution and for abandoned or neglected children in charge of

any state institution or officer, visits them where placed in homes, and changes homes and guardians when necessary. Children from the state public school at Coldwater are adopted under the direction of the county agent. The members of the board receive no compensation for their services, but are allowed actual expenses.

State Board of Health.—This board consists of six members appointed by the governor for a term of six years and a secretary elected by the board. It is the work of this board to restrict and suppress dangerous communicable diseases by investigating the origin and spread of epidemics and publishing and distributing of circulars of information; to hold sanitary conventions in different places to interest and instruct people as to heating, lighting, ventilation, sewerage, water supply, adulteration of food, contagious diseases, school sanitation and similar subjects. Large amounts of literature along these lines is distributed, especially where a contagious disease prevails. Statements of the principal modes by which each of the dangerous communicable diseases are spread and the best methods of restriction and prevention are sent to school superintendents and teachers throughout the state.

Advisory Board in the Matter of Pardons.—This board consists of four members appointed by the governor for terms of four years. At least one member shall be an attorney and one a physician. The board members receive five dollars per day and expenses, but time spent must not exceed six months in any two years. The governor's executive clerk is clerk of the board. It is the duty of the board to investigate every application for pardon or commutation of sentence and make a recommendation to the governor. No recommendation is made unless at least three members concur.

State Tax Commissioners.—This board consists of five

members appointed by the governor for a term of six years and who receive an annual salary of twenty-five hundred dollars and necessary expenses. The board appoints its own secretary, who receives fifteen hundred dollars per annum. Regular sessions of the board are held at Lansing the first Tuesday of March, June, July, August, September and October. It is the duty of the board to exercise general supervision over the supervisors and other assessing officers of the state and see that all property of the state liable to assessment is placed upon the rolls and assessed at actual cash value. Each county in the state is visited each year to confer with the assessing officers, to hear complaints, to observe the workings of the tax laws and to see that all assessing and taxation officers comply with the law.

It is provided that the state tax commissioners shall *ex-officio* constitute a state board of assessors. It is the duty of this board to make an annual assessment of railroad, union station and depot, express, car loaning, refrigerator and fast line freight companies.

Library Commissioners.—Four members are appointed to this board by the governor for a term of four years each, with the state librarian *ex-officio* a member. It is the duty of the library commission to advise all free libraries and all communities which propose to establish libraries as to the best means of establishing and administering them. The members serve without pay, except that one member may be appointed secretary, who may receive not to exceed three hundred dollars a year. The board may expend five hundred dollars a year for supplies and necessary expenses of the members in the discharge of their duties.

Board of Pharmacy.—The board of pharmacy consists of five members, one appointed each year, for a term of five years. The board elects of its own members a president, secretary and treasurer, the two latter receiving a salary fixed

by the board while the other members receive three dollars a day and necessary expenses while in the performance of official duties. Salaries and expenses are paid from fees received. Meetings are held on the first Tuesdays of March, July and November to examine applicants for registration as pharmacists and to grant certificates to such as may be entitled to them. The board also grants certificates of registered assistant. The fees are three dollars and one dollar respectively. These certificates are to be renewed annually and are so renewed by the payment of a renewal fee of one dollar and fifty cents respectively.

Fish Commissioners.—There are three commissioners appointed by the governor for six years each. This board locates and maintains establishments for the propagation and cultivation of whitefish and other kinds of food fish. A superintendent is employed by the board who devotes his entire time to gathering ova, hatching, planting, distributing fish and superintending the practical operations of the work of the board.

Law Examiners.—The board of law examiners consists of five competent lawyers appointed by the governor on the recommendation of the supreme court for five years each. At least two examinations are held each year at Lansing during sessions of the supreme court, for the purpose of examining applicants for admission to the bar as to legal learning and general qualification to practice in the courts of Michigan. Candidates must have studied law at least three years. A fee of ten dollars is paid. The examiners receive ten dollars a day for time actually spent and necessary expenses, but compensation and expenses shall not exceed the amounts received from applicants.

Examiners in Dentistry.—The board of examiners in dentistry consists of three practical dentists, graduates of a reputable dental college, appointed one each year by the

governor for a term of three years. At least one meeting a year is held by the board to examine applicants who desire to practice dentistry. A fee of ten dollars is required which constitutes a fund to defray the expenses of the board, each member receiving three dollars a day for services.

Board of Registration in Medicine.—This board consists of ten resident freeholders, appointed by the governor for a term of four years. Of these not more than five shall be from the school known as regular, two from the Homeopathic, two from the Eclectic, and one from the Physio-Medical; they shall be graduates of medical colleges with six years experience, and may be appointed from lists proposed by the four legally incorporated medical societies. It is the duty of the board to provide for the registration and examination of all persons who propose to practice medicine in Michigan. Two regular meetings of the board are held annually on the second Tuesday of June and October. The board receives no pay, but actual expenses are allowed.

Live Stock Sanitary Commission.—This commission consists of three practical agriculturists engaged in stock raising, appointed by the governor, one each two years for a term of six years. It is the duty of the commission to protect the health of domestic animals from contagious or infectious diseases and it is authorized to establish and enforce quarantine, sanitary and other regulations. Owners of stock are required to report to the commission or local board of health the presence of any contagious or infectious disease. The commission will investigate, quarantine and may order diseased animals killed, the owner to be paid for the animal. The commission has the assistance of a skilled veterinary surgeon appointed by the governor for a term of two years. The commissioners receive three dollars a day for actual services.

Forestry Commissioners.—The forestry commission consists of the land commissioner and two others appointed by the governor for a term of four years. No compensation is allowed except that the secretary may receive three hundred dollars per annum. Expenses are paid. The commission inquires into the condition of the timber lands of the state; the amount and value of the timber cut each year and for what used; the extent to which timber lands are being destroyed by fires, wasteful cutting or for the purpose of clearing for tillage; the effects of the lessening of the timber areas as to rainfall and climate.

Veterinary Board.—The governor appoints three resident citizens of the United States, who are graduates of a veterinary college and with three years' experience to constitute a state veterinary board who shall serve without compensation except expenses. The board provides for the registration and examination of persons who wish to practice veterinary medicine and surgery. The registration fee is fifty cents, the examination fee three dollars. The board meets the first Tuesday after the first Monday of February and August each year.

Board to Regulate the Practice of Horse-shoeing.—No person shall practice horse-shoeing in any city of the state of ten thousand or upwards unless he has registered and has a certificate granted by the board of examiners. This board consists of one veterinary surgeon, two master horse-shoers, two journeyman horse-shoers, appointed by the governor for terms of five years. The secretary and president of the board receive a salary fixed by the board, the other members three dollars a day and expenses. Meetings are held the first Tuesday of March and September and oftener if neccessary. Persons granted certificates are to be eighteen years of age, of temperate habits and are to pass a satisfactory examination. The fee is three dollars.

Mackinac Island State Park Commission.—By act of congress the military reservation and buildings and the lands of the National Park on Mackinac Island were ceded by the United States to Michigan for a state park. The park is under the control of a board of commissioners of five members appointed by the governor for a term of ten years to serve without pay except expenses for not to exceed one week a year. The commission is to lay out and manage the park, preserve the old fort and make rules and regulations to control the park. It can make leases, fix rentals and grant franchises for not to exceed thirty years for water works, sewerage and lighting. A superintendent is employed by the board. It has been provided by the legislature that the fort will be restored whenever the United States may determine to regarrison it.

Insurance Policy Commission.—A commission consisting of the commissioner of insurance, attorney general and one other suitable person appointed by the governor for a term of two years is charged with the duty of adopting a standard form of insurance policy to be used by all companies doing business in the state under penalty of a fine for each policy issued contrary to law. The Michigan standard policy is to maintain fairness and equity between the insurers and the assured, to be brief and simple, to avoid technical words and phrases, to avoid misleading conditions, to use as large type as is consistent and to place each condition in a separate paragraph and number it.

Examination and Licensing Barbers.—It is unlawful for any person to follow the occupation of barber without a certificate or license granted by a board of examiners consisting of three barbers appointed by the governor one each year for a term of three years. The member whose term soonest expires is president, the next soonest treasurer, and the longest to serve, secretary. The secretary receives a sal-

ary of six hundred dollars and the treasurer five hundred dollars. At least four meetings a year are held in different places, one in the upper peninsula, notice of which are required to be made in at least two daily papers of the state. Examinations include the use and antiseptic treatment of barbers' tools and the nature and effect of skin and scalp diseases. A fee of five dollars is required.

Railroad and Street Crossing Board.—When a railroad crosses a street or highway a separation of grades may be effected by an agreement between the railroad and the council, if the crossing is in the city, the board of supervisors or highway commissioner if in the country. When an agreement cannot be reached by these representatives the matter may be referred to the railroad and street crossing board, consisting of the commissioner of railroads and two persons appointed by the governor one each two years for a term of four years. The two appointed members receive ten dollars a day for actual services.

Control of Railroads.—The governor *ex-officio* and six commissioners, appointed by him, for a term of four years, constitute a board to manage and dispose of all lands appropriated for the construction of railroads. The members receive four dollars per day and expenses, to be apportioned among the different companies as the board may deem equitable.

Jury Commissioners.—Boards of jury commissioners to be appointed by the governor for the purpose of selecting grand and petit jurors in their respective counties, have been provided as follows: Wayne county, 1893, a board of seven; Saginaw county, 1889, a board of three; Macomb county, 1895, a board of six· St. Clair county, 1901, a board of nine.

Suggestions and Material.

The functions of these boards is of great importance and the work touches absolutely every community in the state. The general duties should be well known.

It may be observed that the work of many of the boards relates itself to other boards or offices and when this is the case the connection should be shown and the work unified and harmonized.

Make the instruction practical by the use of reports, items from the papers, and information gathered by the pupils. Every teacher receives the circulars of the state board of health, every taxpayer is interested in the state tax commission, every drug store will have pharmacy certificates, every dentist and doctor will have their certificates of registration, and every barber shop will have one or more licenses. Practical illustrations of the work of the forestry commission, veterinary board and live stock sanitary commission can frequently be found.

Questions on the Text.

The following points should be brought out regarding each of the appointive boards:

How many members of the board? Who appoints? Term? What restrictions, if any, as to what persons must be appointed to membership? Compensation? Duties?

CHAPTER XXIX.

STATE INSTITUTIONS.

Educational.

University of Michigan	Ann Arbor.
State Agricultural College	Lansing.
State Normal College	Ypsilanti.
Central State Normal School	Mt. Pleasant.
Northern State Normal School	Marquette.
Western State Normal School	Kalamazoo.
College of Mines	Houghton.
School for the Deaf	Flint.
School for the Blind	Lansing.
Employment Institution for the Blind	Saginaw.
State Public School	Coldwater.
Industrial School for Boys	Lansing.
Industrial Home for Girls	Adrian.

Charitable.

Soldiers' Home	Grand Rapids.
Home for Feeble Minded and Epileptic	Lapeer.
Michigan Asylum for the Insane	Kalamazoo.
Eastern Michigan Asylum	Pontiac.
Northern Michigan Asylum	Traverse City.
Upper Peninsula Hospital for Insane	Newberry.
State Asylum for Insane Criminals	Ionia.

Penal.

State Prison	Jackson.
House of Correction and Branch Prison	Marquette.
Michigan Reformatory	Ionia.
Detroit House of Correction	Detroit.

University of Michigan.—The university was organized in 1837, and today ranks in character and attendance among the few leading colleges in the United States. It occupies a tract of eighty-six acres with athletic fields and other property in addition, with an appraised valuation of over two million dollars. Its enrollment is approximately four thousand students in its several departments, which include those of literature, science and arts, engineering, medicine and surgery, pharmacy, dentistry and homeopathic medical department. The general government of the institution is vested in the board of regents, while the immediate management is in the hands of the president and the several faculties. James B. Angell has been the honored president for over thirty years. A matriculation fee is paid by all students when entering the university, which is ten dollars for Michigan students, and twenty-five for non-residents. In the literary department an annual fee of thirty dollars is required of resident students and forty dollars of non-residents; in the other departments the annual fee is thirty-five and forty-five dollars, respectively.

State Agricultural College.—The Michigan Agricultural College was the first institution of the kind in the United States. It was established February 12, 1855, the legislature of 1857 appropriating the money for the buildings and equipment. The farm, consisting of 684 acres, is situated three miles east of Lansing. The present value of the farm, buildings and equipment is $630,000.00. In addition to appropriations from the legislature and receipts from the sale of products of the farm and from students' fees, the college receives interest on the funds derived from the sale of lands granted by the general government in 1862, $25,000.00 per annum from the United States treasury under the Morrill act of 1890 and $15,000.00 per annum under the Hatch experiment station act for experimental work.

The management of the institution is vested in the state board of agriculture, consisting of six members besides the governor and president of the college, who are *ex-officio* members of the board. The members of the board are appointed by the governor, two each two years for terms of six years. It is required that at least one-half the members be practical agriculturists. The board elects a secretary who receives one thousand dollars a year and resides at the college. He has a long list of clerical duties to perform.

State Normal College.—The normal school system of the state is under the control of the state board of education. The Normal College was organized March 28, 1849, and occupies seven buildings, covering fifteen acres of ground. This is one of the older normal schools in the United States and enjoys the reputation of being one of the largest and best. The value of the property is $380,611.00.

Central State Normal School.—This institution was started by private enterprise, and after being managed successfully for several years, was turned over to the state Jan. 1, 1897, and opened as a state school the following September. The institution has grown rapidly and solidly and now occupies several buildings on a nine acre campus, the whole property being worth $132,936.00.

Northern State Normal School.—The Northern Normal was located in the upper peninsula to meet the demands of that section of the state for trained teachers, the location of the other schools making it a hardship for the young people of the upper peninsula to reach them. The school occupies a campus of twenty acres overlooking Lake Superior. The value of the property is $96,028.00.

Western State Normal School.—The fourth and last of the state normals is located on a fine site donated by the city of Kalamazoo who voted at the same time other priv-

ileges and immunities. This school was created to meet the demands of the rich and populous areas of south-western Michigan. The contract for the first building was let April 23, 1904, for $53,500.00. The school opened in the fall of the same year.

College of Mines.—Few technical or special schools are as finely located as is Michigan's mining school, being situated in the heart of the copper country and in the midst of great mining operations. The school was created by act of the legislature May 1, 1885, and was first opened to students September, 1886. Its first cost was $142,500.00, but its plant is now valued at $352,080.00. The number of students is not large but the character of the work is very high and its advantages unexcelled. The school is under the control and management of a board of six members, not less than four of whom shall be residents of the upper peninsula, appointed by the governor two each year for a term of six years.

School for the Deaf.—The School for the Deaf was established in 1854, and has graduated since its founding 1,336 students. In addition to the usual studies appropriate trades are taught. The value of the buildings and grounds is $518,134.00. The supervision and government of the school is vested in a board of trustees of three members appointed by the governor for terms of six years. Persons are admitted to the school between the ages of seven and twenty-one years, whose defective hearing prevents them from receiving instruction in the public schools, to remain not to exceed thirteen years. They must be sound in body and mind and residents of the state. No charge is made for tuition, boarding, lodging, washing, medicine or medical attendance. Persons outside of the ages given or non-residents may be admitted by the board at a compensation fixed by the board.

School for the Blind.—The grounds of the blind school comprise forty-five acres and with buildings are valued at $160,420.00. The school was organized in 1881. The management is vested in a board of control of three members appointed by the governor for a term of six years. Persons who are sound in body and mind and residents of the state, whose defective sight prevents their receiving instruction in the public schools are admitted between the ages of seven and nineteen years without any charge, as in the School for the Deaf. They are entitled to remain twelve years, and the time may be extended to fourteen. The usual school studies are taught, also vocal and instrumental music and mechanical trades. The boys learn piano tuning, broom and hammock making. The girls learn knitting, sewing, cooking and household duties.

State Public School.—The State Public School at Coldwater, which was the first school of the kind in the world, was established in 1871 and opened in May, 1874. Its first cost was $93,000.00 and its present valuation $250,000.00. The management of the institution is vested in a board of control consisting of three members appointed by the governor for terms of six years. The purpose of the school is to provide a temporary home for dependent children until they can be placed in family homes. More than five thousand children have been received into the institution, most of whom have found good homes. Any dependent child under twelve years of age may be received and they may be retained until they are sixteen, when they are returned to the counties from which they were sent. An employe of the school, known as the state agent, finds suitable homes, visits children who have been put in homes, and investigates applications for children. Regular graded schools are maintained, although the transitory character of the attendance

makes the work unsatisfactory. When old enough the children are taught useful work.

Industrial School for Boys.—This school was established in 1885, and was known until 1893 as the "Reform School." It is located on a property of 290 acres of land at Lansing, which, with the buildings, is valued at $307,425.00. The management is vested in a board of trustees of three members appointed by the governor for a term of six years. Boys are committed to the institution between the ages of ten and sixteen years and are discharged at seventeen. Boys may be placed in suitable homes, and may also be given a leave of absence, which may be forfeited in case of misconduct. Common school instruction is given and industrial trades, carpentry, printing, baking, shoemaking, tailoring, painting and farming are taught. There are usually from five hundred to six hundred boys in the school.

Industrial Home for Girls.—This home was established one mile from Adrian in 1879, and until 1883 was known as the "Reform School for Girls." Its property consists of 113 acres of land and buildings valued at $230,049.00. The management is vested in a board of three persons, one of whom at least shall be a woman, appointed by the governor for a term of six years under the corporate name of "Guardians of the Industrial Home for Girls." Girls are committed to the institution between the ages of ten and seventeen years of age and remain until they are twenty-one. In addition to the ordinary school work they are taught the duties of housekeeping, cooking, sewing, knitting and dressmaking. There are usually about three hundred fifty girls in the home. An average of one hundred is out on contract.

Soldier's Home.—The Michigan Soldiers' Home was established in 1885 and is located three miles north of Grand Rapids on a tract of 132 acres given by the city of Grand Rapids. The present value of the property is $283,986.00.

The management of the home is vested in a board of managers of six members, two appointed each two years by the governor for a term of six years. The governor is a member and chairman *ex-officio* of the board. The immediate control is under the commandant who is appointed by the board. All honorably discharged soldiers, sailors or marines who were credited to Michigan or who have been residents of the state one year, are eligible to admission. There is also a provision for caring for wives and mothers of those who are eligible. In addition to state support the United States government allows money to state homes. The capacity of the home is about one thousand inmates.

Home for Feeble Minded and Epileptic.—This home was established in 1893 and located at Lapeer on a tract of land of 160 acres donated by that city. A board of three members is appointed by the governor for a term of six years to supervise and manage the home. The object of the institution is to provide intellectual, moral and physical training for persons who have been born or by disease have become imbecile, or feeble-minded or epileptic, and to ameliorate their unhappy condition and fit them as far as possible for future usefulness. Legal residents of the state above six years of age may be admitted free of all charge in the discretion of the board. When parents or guardians are able they may be required to pay in whole or in part for their care. The present value of the home is $210,700.00. There are about 500 inmates.

Michigan Insane Asylum.—The Michigan Asylum at Kalamazoo is the oldest in the state. It was established in 1848, and was opened for patients in 1859. There are eleven buildings and 853 acres of land worth $1,119,593.00. There are about 1,500 patients. The board of trustees for each of the asylums consists of six members appointed by the governor for six years, two each two years.

Eastern Michigan Asylum.—The Eastern Asylum, which is located at Pontiac, occupies a tract of 520 acres of land, which, with buildings, is valued at $1,024,108.00. There are over 1,000 patients. It was organized in 1877 and opened for patients in 1878.

Northern Michigan Asylum.—The Northern Asylum, which was organized in 1881 and opened in 1885, is located at Traverse City on a tract of land containing 686 acres valued at $638,028.00. There are about 1,200 patients.

Upper Peninsula Hospital for the Insane.—This is the latest of the asylums and is built on a different plan from the others. It cares for the patients on the cottage plan. Eleven cottages have been built, which number is to be increased to twenty. Under this system patients are better classified, danger from fire is less and ventilation is more perfect. The value of the property is $466,382.00. The number of patients is about 500.

State Asylum for Insane Criminals.—This institution, which was organized in 1885, was first known as The Michigan Asylum for Insane Criminals. This was changed in 1891 to Michigan Asylum for Dangerous and Criminal Insane and again in 1899 to State Asylum. The five buildings occupy a tract of 217 acres of land, valued altogether at $276,888.00. The number of inmates is about 300. The management is vested in a board of trustees of three members appointed by the governor for a term of six years. This asylum receives persons who commit a crime while insane or are acquitted upon trial on the grounds of insanity, or who go insane while confined in any of the penal institutions as a punishment for crime.

State Prison.—The Jackson State Prison was the first prison in the state. It was located at Jackson in 1839. The property consists of sixty-two acres, twenty of which are occupied with the buildings, the balance is under cultivation.

The value of the entire property is $943,964.00. There are about 800 convicts.

The management of the prisons at Jackson, Marquette and Ionia is vested in a board of control for each consisting of three members, not more than two of whom shall belong to the same political party, appointed by the governor for a term of six years. The governor is *ex-officio* a member of each board. The officers of a prison consist of a warden appointed by the board, and the following appointed by the warden; deputy warden, clerk, chaplain, physician, chief engineer and as many guards and keepers as may be necessary. The warden resides at the prison and is required to give bonds in the penal sum of twenty thousand dollars. Prisoners are employed at hard labor on contracts or in making articles for the state institutions. Visitors are admitted to the prisons on the payment of twenty-five cents.

State House of Correction and Branch of the State Prison in the Upper Peninsula was established in 1885. The property consists of 152 acres of land, which, with the buildings is valued at $290,836.00. There are about 250 inmates who are employed in making cigars, shoes, overalls, and in work on the buildings and grounds.

Michigan Reformatory.—This institution was located at Ionia in 1877 on 190 acres of land. The present value of the property is $409,345.00. Short terms and first offenders are usually committed to this institution. Those to serve life sentences and hardened criminals to Jackson or Marquette. The 400 inmates are employed in manufacturing shirts on contract and in the care of the institution and grounds.

Detroit House of Correction.—This institution is not a state institution, although the state has a contract with it for the care of female prisoners. It was established by the common council of Detroit in 1857. The management and direction of the house is under the control of a board of

inspectors appointed by the common council of Detroit upon the nomination of the mayor. The board consists of four members appointed one each year for a term of four years. The board appoints a superintendent for a term of three years. A number of counties have contracts with Detroit for the caring for prisoners who are sentenced for more than sixty days. The law provides that the expense of maintaining shall be upon the city of Detroit, but as a matter of fact the institution is more than self-sustaining and pays good dividends into the city treasury.

Suggestions and Material.

Catalogs of the several educational institutions will usually have pictures of the buildings, and will also furnish information regarding the institution and its work. This is a good way to enkindle interest in higher institutions of learning which may be encouraged in many ways. Reports of the charitable and penal institutions may also be obtained.

The peculiar character of each institution should be pointed out and the reasons for its maintenance given. We may honestly boast of the number and the excellence of our state institutions, but the facts should be given to justify. The teacher will need to look up carefully.

Accounts of visits to these institutions read or told by the teacher or an invited friend will add zest and color to the work of the text.

Call careful attention to the provisions made in the charitable and penal institutions for the intellectual and moral welfare of the inmates by conducting schools, maintaining libraries and reading rooms, securing concerts and lectures, providing bibles and prayer books and having religious services.

Home Study Questions.

Who founded the University? What was it called?

Find out other matters, if possible, regarding the founder.

What are accredited schools?

What are some of the great universities of other states?

Name and locate the denominational colleges of Michigan.

To what denomination does each belong?

What are parochial schools?

Make a list of the well-known private schools in Michigan.

What is meant by manual training? Domestic science?

What is co-education?

What is meant by the dormitory system?

In which institutions is it maintained?

What are some of the special lines of work pursued at the M. A. C.?

What is an experiment station?

Where are they located in Michigan? What work do they do?

What are farmers' institutes? How conducted?

What should a student have in view to attend a normal school?

Name the state institutions in the upper peninsula.

What other institutions will the state probably need?

What things can a blind person do as well as if he had his sight?

What a deaf person?

What class of unfortunates, if any, can you name that the state has not provided for?

How do blind children read?

Learn about Helen Kellar.

What is solitary confinement? Capital punishment?

What is an indeterminate sentence?

What is meant by a prisoner making good time?

APPENDIX.

A.

SPECIAL SESSIONS OF THE LEGISLATURE.

Date.	Governor.
1858, Jan. 12 to Feb. 4,	Kingsley S. Bingham.
1861, May 2 to May 10,	Austin Blair.
1862, Jan. 2 to Jan. 20,	Austin Blair.
1864, Jan. 19 to Feb. 6,	Austin Blair.
1870, July 27 to Aug. 10,	Henry P. Baldwin.
1872, Mar. 13 to Apr. 11,	Henry P. Baldwin.
1872, Apr. 13 to May 24,	Henry P. Baldwin.
1874, Mar. 3 to Mar. 26,	John J. Bagley.
1882, Feb. 23 to Mar. 14,	David H. Jerome.
1892, Aug. 5 to Aug. 8,	Edwin B. Winans.
1898, Mar. 22 to Apr. 13,	Hazen S. Pingree.
1899, Dec. 18 to Jan. 6,	Hazen S. Pingree.
1900, Oct. 10 to Oct. 15,	Hazen S. Pingree.
1900, Dec. 12 to Dec. 22,	Hazen S. Pingree.

B.

POPULATION OF THE STATE.

1810	4,762	1850	397,654
1820	8,927	1854	507,521
1830	31,639	1860	749,113
1834	87,278	1864	803,661
1837	174,619	1870	1,184,282
1840	212,267	1874	1,334,031
1845	302,521	1880	1,636,937

1884	1,853,658	1894	2,241,641
1890	2,093,889	1900	2,420,982

C.

POLITICAL MACHINERY.

Caucuses.—Caucuses are held by each political party in each township and ward to elect delegates to city and county conventions, and in townships to nominate township officers. A caucus is called by the committee and is organized by electing a chairman, secretary and tellers, all of whom are sworn to perform the duties of their respective offices. If effective work is to be done in good government it must be done in the primaries, and it is a lamentable fact that many citizens neglect the primaries while practical politicians are never absent. A list of the delegates elected, signed by the chairman and secretary, constitute the credentials which must be presented at the convention to which the delegates are elected.

Conventions.—Conventions are held in the city for nominating city officers, in the county for nominating county officers and for naming delegates to the state convention, in the state for nominating state officers, presidential electors and naming delegates to the national conventions, and by districts for naming members of congress, members of the legislature and circuit judges. These are called by the respective party committees, the number of delegates depending usually on the vote cast at the last previous election, except in the national conventions, where the delegation from each state is twice that state's representation in congress. This gives Michigan twenty-eight delegates.

A convention is called to order by the chairman of the party committee and a temporary organization affected by electing a chairman and secretary and appointing three committees as follows: Credentials, permanent organization

and order of business, resolutions. A recess is taken to allow the committees time to do their work. Upon reassembling the names of the persons entitled to seats in the convention are presented by the committee on credentials, the names of the permanent officers and an order of business are presented by the second committee and a set of resolutions by the committee on resolutions. These resolutions in state and national conventions are called "platform" and each separate resolution a "plank;" they are an embodiment of party principles upon which the issues of the campaign are usually based. The business is then taken up in order and the officers nominated or delegates appointed as the case may be.

Committees.—The committees referred to are named in the different conventions and have charge of the campaign in their respective jurisdictions. Each committee has a chairman who is the active head and upon whom most of the responsibility is placed and who receives most of the credit or blame for the success or failure of the campaign.

D.

EXPENDITURE OF EDUCATIONAL FUNDS.

The following amounts have been paid to the several state institutions by the state on account of interest, surplus and direct appropriations from their organization to June 30th, 1903:

Primary Schools	$28,521,191.44
University of Michigan (Ann Arbor)	7,126,495.82
State Normal College (Ypsilanti)	1,888,685.57
Central Normal School (Mt. Pleasant)	254,500.00
Northern Normal School (Marquette)	141,917.65
Agricultural College (Lansing)	2,304,399.52
College of Mines (Houghton)	873,724.99

E.

STANDARD TIME.

By act of the legislature, approved February 17, 1885, and which went into effect September 19 of the same year, standard time, central division, based on the ninetieth longitude west from Greenwich, was made the legal time for the state.

F.

ARBOR DAY.

Arbor Day, which is being observed annually by proclamation of the governor, was directed by a concurrent resolution of the legislature, which requested that the governor call the attention of the people of this state to the importance of planting trees for ornament and shade. The governor has named an "Arbor Day" each year since.

G.

STATE FLOWER.

Whereas, a refined sentiment seems to call for the adoption of a state flower; and

Whereas, our blossoming apple trees add much to the beauty of our landscape, and Michigan apples have gained a world wide reputation; and

Whereas, at least one of the most fragrant and beautiful flowered species of apple, the *pyrus corvuaria* is native to our state; therefore

Resolved by the senate and house of representatives of the state of Michigan, that the apple blossom be and the same hereby is designated and adopted as the state flower of the state of Michigan.

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H.

LEGAL INTEREST.

In 1891 the legislature fixed the legal rate of interest at five per cent., it being lawful to stipulate in writing for the payment of any rate not exceeding seven per cent. whenever a greater rate has been directly or indirectly reserved, taken or received than is allowed by law, the borrower shall not be compelled to pay any interest.

I.

LEGAL HOLIDAYS.

The following days are designated as legal holidays: New Year's Day (January first), Washington's Birthday (February twenty-second), Decoration Day (May thirtieth), Fourth of July, Labor Day (first Monday in September), Christmas (December twenty-fifth). Whenever these holidays fall upon Sunday, the Monday following shall be deemed a holiday. The supreme court has held (School Dist. vs. Gage 39/484) that a teacher's wages are not subject to any deductions on account of vacations occasioned by the observance of these legal holidays.